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ABSTRACT

This hearing discussed proposed legislation authorizing funds for programs of the Juvenile Justice and Delinquency Prevention Act. Opening statements by senators Fred Thompson, Joseph R. Biden, Herbert Kohl, Orrin G. Hatch, Charles E. Grassley, and Alan K. Simpson introduced the issue. Presentations involved two panels. The first consisted of Steve A. Carson, Chief of Police, LaFollette, TN; Byron Oedekoven, Sheriff, Campbell County, WY; Ray Luick, Administrative Officer, Wisconsin Office of Justice Assistance, Madison, WI; and William R. Woodward, Director, Colorado Division of Criminal Justice, Colorado Department of Public Safety, Denver, CO. The second included S. Camille Anthony, Executive Director, Utah Commission on Criminal and Juvenile Justice, Salt Lake City, UT; Jerry Regier, Director, Oklahoma Department of Juvenile Justice, Oklahoma City, OK; Patricia West, Director, Virginia Department of Youth and Family Services, Richmond, VA; Marion Kelly, Virginia Department of Criminal Justice Services; and Robert G. Schwartz, Chairman, Juvenile Justice Committee, American Bar Association, Philadelphia, PA. An appendix presents questions to witnesses on both panels from the Committee on the Judiciary and responses from the panelists. Additional submissions include letters to Senator Thompson from the Office of Juvenile Justice and Delinquency Prevention, Department of Justice and from the Division of Criminal Justice, Colorado Department of Public Safety; a biography of Jerry Paul Regier; and prepared statements from Gary B. Melton for the American Psychological Association; Lavonda Taylor for the Coalition for Juvenile Justice; and Barry Krisbert, President, National Council on Crime and Delinquency. (SM)

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FUNDING YOUTH VIOLENCE PROGRAMS: SHOULD THE STRINGS BE CUT?

HEARING

BEFORE THE

SUBCOMMITTEE ON YOUTH VIOLENCE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

PROPOSED LEGISLATION AUTHORIZING FUNDS FOR PROGRAMS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

MARCH 12, 1996

Serial No. J–104–69

Printed for the use of the Committee on the Judiciary

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CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Thompson, Hon. Fred, U.S. Senator from the State of Tennessee	1
Biden, Hon. Joseph R., Jr., U.S. Senator from the State of Delaware	2
Kohl, Hon. Herbert, U.S. Senator from the State of Wisconsin	4
Hatch, Hon. Orrin G., U.S. Senator from the State of Utah	34
Grassley, Hon. Charles E., U.S. Senator from the State of Iowa	46
Simpson, Alan K., U.S. Senator from the State of Wyoming	61

CHRONOLOGICAL LIST OF WITNESSES

Panel consisting of Steve A. Carson, chief of police, LaFollette, TN; Byron Oedekoven, sheriff, Campbell County, WY; Ray Luick, administrative officer, Wisconsin Office of Justice Assistance, Madison, WI; and William R. Woodward, director, Colorado Division of Criminal Justice, Colorado Department of Public Safety, Denver, CO	5
Panel consisting of S. Camille Anthony, executive director, Utah Commission on Criminal and Juvenile Justice, Salt Lake City, UT; Jerry Regier, director, Oklahoma Department of Juvenile Justice, Oklahoma City, OK; Patricia West, director, Virginia Department of Youth and Family Services, Richmond, VA, accompanied by Marion Kelly, Virginia Department of Criminal Justice Services; and Robert G. Schwartz, chairman, Juvenile Justice Committee, American Bar Association, Philadelphia, PA	63

ALPHABETICAL LIST AND MATERIAL SUBMITTED

Anthony, S. Camille:	
Testimony	63
Prepared statement	66
Carson, Steve A.:	
Testimony	5
Prepared statement	6
Grassley, Hon. Charles E.:	
Submitted an article from the Cedar Rapids, IA Gazette entitled Kids Out of Control	48
Luick, Ray:	
Testimony	25
Prepared statement	27
Oedekoven, Byron:	
Testimony	10
Prepared statement	13
Exhibit A: Campbell County Detention Center pod layout	16
Exhibit B: Letter from Michael J. McMillen, Community Research Associates to Lt. Robert Melvin, Campbell County Sheriff's Department, dated Nov. 1, 1991	17
Exhibit C: Letter from Jeffrey M. Pfau, City of Gillette Police Department to Byron F. Oedekoven, dated Mar. 7, 1996	20
Exhibit D: Letter from Terrill R. Tharp and William S. Edwards, County Court of Campbell County to Byron Oedekoven dated Mar. 5, 1996	21
Exhibit E: Letter from Terrence L. O'Brien, Sixth Judicial District, Wyoming to Byron Oedekoven, dated Mar. 7, 1996	22
Exhibit F: Letter from Robert Bankes, Ward County Sheriff's Department to Byron Oedekoven, dated Mar. 6, 1996	22

BEST COPY AVAILABLE

Page

Oedekoven, Byron—Continued
Prepared statement—Continued
Exhibit G: Letter from Nancy Q. Roberts, Campbell County Juvenile Probation to Byron Oedekoven, dated Mar. 7, 1996 24
Regier, Jerry Paul:
Testimony 69
Prepared statement 73
Schwartz, Robert G.
Testimony 107
Prepared statement 108
West, Patricia:
Testimony 90
Prepared statement 93
Woodward, William R.:
Testimony 29
Prepared statement 31

APPENDIX

Questions and Answers

Questions to all witnesses on Panels II and III from the Committee on the Judiciary 128
Responses to questions of Senator Hatch from:
Steve A. Carson 125
Byron Oedekoven 129
Ray Luick 136
William Woodward 141
S. Camille Anthony 146
Jerry Paul Regier 153
Patricia West 156
Robert G. Schwartz 189
Responses to questions of Senator Simpson from:
Steve A. Carson 127
Byron Oedekoven 133
Ray Luick 138
William Wooodward 143
S. Camille Anthony 147
Jerry Paul Regier 151
Patricia West 160
Robert G. Schwartz 192
Responses to questions of the Committee on the Judiciary from:
Steve A. Carson 129
Byron Oedekoven 134
Responses to questions of Senator Kohl from:
Ray Luick 139
William Woodward 144
S. Camille Anthony 148
Jerry Paul Regier 149
Patricia West 161
Robert G. Schwartz 193

Additional Submissions for the Record

Letter to Senator Thompson from the Office of Juvenile Justice and Delinquency Prevention, Department of Justice dated Mar. 11, 1996 122
Letter to Senator Thompson from Division of Criminal Justice, Colorado Department of Public Safety, dated Mar. 27, 1996 140
Biography of Jerry Paul Regier 155
Prepared statements of: .....
Gary B. Melton on behalf of the American Psychological Association 196
Lavonda Taylor on behalf of the Coalition for Juvenile Justice 198
Barry Krisberg, Ph.D., president, National Council on Crime and Delinquency 201

FUNDING YOUTH VIOLENCE PROGRAMS: SHOULD THE STRINGS BE CUT?

TUESDAY, MARCH 12, 1996

U.S. SENATE,
SUBCOMMITTEE ON YOUTH VIOLENCE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:02 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Fred Thompson (chairman of the subcommittee) presiding.

Also present: Senators Hatch, Simpson, Grassley (ex officio), Biden, and Kohl.

STATEMENT OF HON. FRED THOMPSON, A U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator THOMPSON. Good morning, ladies and gentlemen. The Subcommittee on Youth Violence today holds another in a series of hearings on reauthorizing the Juvenile Justice and Delinquency Prevention Act. We will consider the four primary mandates of the act, some of which date from 1974: No. 1, the deinstitutionalization of status offenders—status offenses are acts that are criminal if committed by a child, but not if committed by an adult; No. 2, the sight and sound separation of incarceration of youth and adults; No. 3, removal of youths from adult jails and lockups; and, No. 4, reducing the overrepresenation of minorities in secure juvenile facilities.

Many of these mandates date back to a time when youth violence was not so prevalent or serious. The question arises as to whether or not they are with us today with the same relevancy as they were in the past, especially in light of the fact that 75 percent of the formula grants are required to be spent on specific things that have really nothing to do with incarceration and relatively little to do with prevention.

It is time to take a new look at these mandates. Our witnesses today will provide a variety of views on the worth of the mandates. We will hear from Senator Grassley about the effect of the status offender mandate on his State. We will also hear from State and local officials concerning the advisability of some of these mandates and whether a one-size-fits-all approach is sensible in rural areas, for instance, and we will hear from defenders of the mandates in their present form.

A large and expensive set of strings come with the mandates. Wyoming has already concluded that it is simply not worth the burdens to accept juvenile justice funding and has opted out the

act. Wyoming's localities can still receive funds, but only if they comply with mandates. Other States are considering whether the interests of their citizens are better served by opting out of the mandates by not accepting the money. So we look forward to hearing from our witnesses.

Senator Grassley, I believe, will be with us just a little bit later, so we will ask our second panel to come—I am sorry. I am reminded I have overlooked my colleague.

Do you have an opening statement?

STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator BIDEN. I do and don't feel badly. I am accustomed to being overlooked in these days of minority status, but I appreciate your consideration. [Laughter.]

This, as the chairman has pointed out, is the second in what hopefully is going to be a series of hearings on this subject. Once again, the subcommittee has, in my view, in a positive fashion, proceeded in a bipartisan manner, and I want to acknowledge that chairman Thompson has accommodated our concerns as well.

We are seeing ever more violent crimes being committed by ever younger offenders. As I and others have been pointing out for the past year, demographic trends foretell a dramatic increase in the number of teens in the next several decades. These two factors—the rise in the level of violence and the rising number of teens—mean that, I think, at least, we are on the edge of a huge problem.

These facts have understandably led to concerns that the existing juvenile justice system is inadequate for the job. The quick response by some policymakers has been to call for moving juveniles wholesale into the adult correctional system. The concern about youth violence, they point out, and I would agree, is well-founded, but I am not sure the quick response that we are hearing about is well-founded.

The juvenile justice system, I believe, is a necessary institution because most juveniles should not be treated in the same manner as adults. Most juveniles should not be treated, in my view, in the same as adults. They are just not as rational as adults, so some threats of punishment which work as deterrents for adults don't seem to work very well for teens.

As we have heard over and over at the subcommittee's last hearing, preventing juvenile crime is possible and the key to regaining control, but despite the fact that we know prevention is best, it won't happen—I won't say it won't happen. It has not happened very often without some Federal support, and my concern is if the Federal Government doesn't support this notion, I am wondering who will and where will it come from.

Still, the juvenile justice system, at least in my view, does need reform. it was not designed to handle the volume, nor the type of violent teen that we now see. We must recognize that punishing chronic, violent offenders has never, and should never be the purpose of the juvenile justice system. Rather, the juvenile justice system should be aimed at providing effective prevention and intervention programs for at-risk youth and nonviolent juvenile offenders.

The purpose of today's hearing is to examine four mandates in the Juvenile Justice Act, four substantive mandates, as they are often called. These are requirements that States must meet in order to qualify for Federal juvenile justice funds. Three of the mandates we are addressing today were created in recognition of the special role juvenile courts play in our overall judicial system, both at a State and at a Federal level, and particularly the State level—mandates which require the separation of juveniles from adults in prison; second, the separation of adult and juvenile jails; and, third, a requirement that juveniles not be incarcerated for status offenses.

The key importance of these mandates is that they seek to preserve the prevention, intervention, and treatment roles of the juvenile justice system. They protect juveniles from dangerous and corrupting exposure to hardened adult criminals, they ensure the provision of appropriate services for incarcerated juveniles, and they protect noncriminal children from being unjustly incarcerated.

My support for the key principles which underline the mandates does not, of course, indicate that I would reject efforts to fix certain provisions that make it easier for States to comply with the goals of the mandates without being unduly burdened.

There is another requirement which States must meet in order to receive funds under the act which I would like to briefly address as well, the requirement that 75 percent of the Federal dollars that States receive must be spent on prevention programs and sanctions other than detention in secure facilities. This is usually not considered as one of the mandates because it deals with how Federal dollars are used, not how the States must spend their own money in order to qualify for Federal funds.

I believe this requirement gets to the heart of what the juvenile justice system should be about. It recognizes both the need to focus our resources on preventing kids from becoming criminals and the political pressures which States and local officials can face to fund tough punishment rather than prevention. We all know which is harder to convince a legislature to do.

This is not to knock State and local officials. I realize the pressure they face in having to justify spending decisions they make. I was a local official prior to this job. Particularly at a State and local level, it is difficult to justify the need to spend significant funds on programs which, if they work, would seem to have been a waste of resources, for too many people falsely believe that the good kid we see at the Boys and Girls Club would never have become the bad kid we see on the nightly news being brought into a police station charged with a horrible crime.

I think it is critical that the Federal Government continue to address the growing national juvenile crime problem through such requirements, in effect, guaranteeing that we will continue to have States and localities developing programs which work in their communities to prevent and address juvenile crime before kids are lost to crime and drugs.

The fact is that we also have a number of programs that deal with incarceration, a number of programs that deal with violent youth, that we have addressed in the overall crime bill and crime legislation. So I will be anxious to hear what the witnesses have

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to say, and my plea is that we not forget that there are a lot of juveniles who are not violent, but who are on the edge.

Thank you.

Senator THOMPSON. Senator Kohl.

STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Thank you very much, Mr. Chairman. It is good to be here today as we talk about the Juvenile Justice Act and ask ourselves whether the mandates in that act work for juveniles, for law enforcement, and as importantly for public safety. In my opinion, they generally do, though more flexibility is clearly warranted.

It is also a pleasure today to welcome a Wisconsin witness, Mr. Ray Luick, from the Office of Justice Assistance. Mr. Luick brings with him the kind of day-to-day experience with the act that is essential to our reauthorization efforts. Also with us today are two other key people involved in the juvenile justice system in Wisconsin, Steven Sell and Kathy Arthur, and we welcome them.

As we begin a reexamination of the mandates, it is important to recall how far we have come. In 1974, America put 160,000 children in adult jails and lockups, placed another 85,000 juveniles in jail with adults, and incarcerated over 170,000 status offenders. Twenty years later, this situation has dramatically improved. The total number of minors institutionalized under these circumstances is less than 12,000 a year. But it is the mandates and the Juvenile Justice Act that have given local communities the guidance, the backbone, and the money to do a better job.

In the words of Mr. Luick, "Federal involvement in juvenile justice has had a significant impact on this system, how juveniles are treated within that system, and perhaps in the lives and futures of the youth who have been served." He generally supports the mandates, as do I.

Despite these successes, however, the changing nature of youth violence clearly requires a fresh approach. We must eliminate the redtape of the Juvenile Justice Act. Take, for example, the regulations requiring the total separation of juveniles from adults. It is a goal that we all share, of course, but taken to an extreme, it often results in fewer services for juveniles and less safety for the public.

To address this problem, today I am introducing legislation that loosens the act's collocation requirement. It is my hope that this measure, which offers greater flexibility while continuing to ensure that juveniles are separated from adults, will set us on the right path.

Under current law, a juvenile picked up for criminal activity can only be held in a separate portion of an adult facility for up to 24 hours. After that, the juvenile must be transported, often across hundreds of miles, to a separate juvenile detention facility, oftentimes to be returned to the very same jail 2 or 3 days later for a court date. This system often requires rural police to crisscross a State with a single juvenile and results in massive costs for law enforcement with little benefit for the minor.

Such a process does not serve anyone's interests, so the bill that I have introduced today would change this misguided approach by extending from 24 to 72 hours the time during which rural law en-

forcement may collocate juvenile offenders in an adult facility and by relaxing the separate staff requirements for those brief periods of collocation.

Hopefully, this will be just one example of the direction that we should all be moving this year—toward a realistic assessment of what works and what doesn't work. That does not mean turning the Federal Government into an automated teller machine with no strings attached, but it does mean abandoning some needlessly rigid rules. So, in my opinion, the answer to the question whether the strings should be cut entirely is no, but they must be reexamined and loosened where they are not working.

This hearing challenges the orthodox view of the mandates, and challenging convention is usually a good beginning, but it is only a beginning and not an end in itself.

Thank you, Mr. Chairman.

Senator THOMPSON. Thank you very much, Senator Kohl. Would our second panel take your seats, please—Mr. Carson, Mr. Oedekoven, Mr. Luick, and Mr. Woodward.

Mr. Carson, welcome, from one of my favorite little towns in Tennessee. It is a pleasure to have you with us, and we will just start at that end and you may give your opening statement. Steve Carson, chief of police, LaFollette, TN.

PANEL CONSISTING OF STEVE A. CARSON, CHIEF OF POLICE, LaFOLLETTE, TN; BYRON OEDEKOVEN, SHERIFF, CAMPBELL COUNTY, WY; RAY LUICK, ADMINISTRATIVE OFFICER, WISCONSIN OFFICE OF JUSTICE ASSISTANCE, MADISON, WI; AND WILLIAM R. WOODWARD, DIRECTOR, COLORADO DIVISION OF CRIMINAL JUSTICE, COLORADO DEPARTMENT OF PUBLIC SAFETY, DENVER, CO

STATEMENT OF STEVE A. CARSON

Mr. CARSON. Ladies and gentlemen, I represent a small rural Appalachian community in the State of Tennessee of approximately 38,000. It contains four cities, of which I am the chief of police of the largest, LaFollette.

My force consists of 18 sworn officers, providing 24-hour full law enforcement services. Any one of them could be here today telling you problems concerning juvenile crime and violence. A constant theme that would run through these stories is the restrictions they face in dealing with the juvenile offender.

Though much fanfare and media attention goes to the problems of our metropolitan areas and their juvenile problems, rural America feels as if they are forgotten as to their concerns or their needs. In rural America, we are never very far from our juvenile problems every day in a way many do not realize. My children, my officers' children, children of family, friends, neighbors—we live, go to school, shop, and recreate in the middle of our juvenile dilemma every day. We do not live in another neighborhood or have an opportunity to send our kids to safer schools, movie theaters, swimming pools, or shopping centers. So, please, we ask you not to underestimate our ability to understand the juvenile problems we face today.

In the past 12 months, at a local school our department answered calls—and these are three examples—of a student with a gun, threatening assault on a teacher, and possession of drugs. Given our sad recent history, you would probably not be surprised at this problem in a high school today. The problem is, these incidents occurred in our junior high with sixth, seventh, and eighth graders, and this from a school that 5 years ago reported only truancy and an occasional suspicious vehicle in the parking lot. The problem has come to rural America and it is growing.

Our battle to allow us to deal with our juvenile violence and crime problems is fought on two fronts. First is the struggle to meet requirements placed on us by the Government. Although unintentional at times, these requirements place a heavy and impossible burden on us to comply. Second is our ability to obtain funding to meet requirements already in place or those that may come. With 33 percent of our population living below the poverty level and no stable industrial tax base, we are pressed to our limits just to provide basic service.

As poverty is a breeding ground for juvenile violence and crime, and with a depressed tax base that struggles to provide basic government service, we need two things from our Government—review of the current regulations that are in place governing our response to the juvenile problems, and including us in any studies and discussions before carefully enacting new ones. Next, assist us with funding to meet these goals at least until a time that we are able to assume the entire burden ourselves. By allowing us to establish target-specific programs for our communities, I feel all those involved will get the most for their efforts.

In conclusion, let me say that I am under no illusion that my condition is unique. My conditions exist in communities all across the Nation and the time is rapidly approaching when, if we choose not to deal with it, circumstances will overtake us. These events then will force decisions on us whether we are agreeable or not.

On behalf of my city, county, and State, I would like to thank the subcommittee for allowing us to express our views.

Thank you.

Senator THOMPSON. Thank you very much, Mr. Carson.

[The prepared statement of Mr. Carson follows:]

PREPARED STATEMENT OF STEVE A. CARSON

I would first like to describe the area I represent. I am the Chief of Police of the largest of four cities in a county of 38,000 in rural eastern Tennessee. The charts that follow will give you a picture of our socioeconomic conditions when we applied for a federal grant in 1994. There has been periods of improvement but we are in the same general circumstances.

Local funding for law enforcement in our community has always been difficult for our community for several reasons. First, our community has not had a tax increase in eight years. Second is the lack of stable industrial base. Third, our largest employer left in 1991; that, at its peak, employed 1200 persons. Fourth, our community suffers from double digit unemployment that is 14.7 at present. Fifth, the last census showed a loss of 1,006 in population. Sixth, we have increased dramatically in the area of retail business. However, replacing lower wage retail jobs has not made up for the loss of industrial wage employment. Our average wage earners make $17,239.00, while the state average is $29,546.00 and the federal is $55,225.00. Seventh is the sluggish coal mining industry that has never recovered from the decline in the 1970's and 1980's.

Sales taxes are the city's primary source of revenue accounting for 44.55 percent of the 1992 revenues. This has realized three consecutive years of declining general fund balance.

Our socioeconomic factors are below average. Resident wealth indicators, as measured by income and housing values. Additionally a considerable number of city residents have incomes below the poverty levels. Long term deterioration exacerbated by the sluggish coal mining industry and the loss of our largest employer, Health-Tex, has contributed to our trend of double digit unemployment. These factors have placed 33.1 percent of our families living below the poverty level. (See attached chart of funding for detailed breakdown of indicators.)

Chart of Funding

I. ECONOMIC FACTORS

Year	Population	Area (sq. mi.)	Density	Percent Change		
				City	State	United States
Population—LaFollette City:						
1980	8,198	4	2,050	18.8	16.9	11.4
1990	7,192	4	1,716	−12.3	6.2	9.8

	1990	State 1990	United States 1990
Population and Housing Characteristics—LaFollette City:			
Population:			
Median age	36.2	33.6	32.9
Percent school age	16.6	18.1	18.2
Percent working age	55.8	62.4	61.7
Percent over 65 years	20.0	12.7	12.6
No. persons/household	2.4	2.6	2.6
Income:			
Median family income	$17,239	$29,546	$35,225
Percent below poverty level	33.1	15.7	13.1
Per capita income	$7,694	$12,255	$14,420
Housing:			
Percent owner occupied	56.8	68.0	64.2
Percent built before 1939	15.4	10.2	18.4
Percent built since last census	9.7	24.2	20.7
Owner occupied median value	$33,000	$58,400	$79,100
Median gross rent	$253	$357	$447
Occupied housing units	2,927		

II. TAX DATA

Largest tax payers	Business	Fiscal year 1993 A.V. ($000)
Woodson's Cash Stores, Inc.	Shopping mall	$2,825
Paine-Webber (Wal-Mart)	Shopping mall	2,430
Industrial Development Board	Manufacturing	2,051
Telescripps	Cable television	1,006
R.L. Ayers & Co	Real estate	947
Appalachian Development Co	Retail	799
First National Bank	Banking	612
Hack Ayers Realty	Real estate	531
K-Mart Corporation	Retail	492
Peoples National Bank	Banking	366

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III. LARGEST EMPLOYER

Employer	Employees 1993
Camel Manufacturing	230
American Metals	112
Continential Campers	95
Belmont Industries	65
Ironstone England	50
Key Limestone	25
Barco Industries	23
Loby Block	21
Quality Machining	12
Dixie Concrete	6

IV. LABOR MARKET CHARACTERISTIC: CAMPBELL COUNTY

Year	Labor force	Total employment	County	State	United States
1988	12,265	10,917	11.0	5.8	5.5
1989	12,193	10,988	9.9	5.1	5.3
1990	12,168	10,852	10.8	5.2	5.5
1991	12,287	10,111	17.7	6.6	6.7
1992 [1]	13,323	11,366	14.7	6.4	7.4
6/92 [2]	13,733	11,721	14.7	7.0	7.8
6/93 [2]	12,984	11,181	13.9	6.6	7.1

[1] Base year of current benchmark, data for preceding years may not be consistent.
[2] Monthly data not seasonally adjusted.

Based on the 1990 United States Census, the population of the City of LaFollette is 7,192. This reflects a decrease of 12.3 percent.

UNEMPLOYMENT RATE

Unemployment rate for Campbell County compares with State and United States rates

	Campbell County	State of Tennessee	United States
1988	11.0	5.8	5.5
1989	9.9	5.1	5.3
1990	10.8	5.2	5.5
1991	17.7	6.6	6.7
1992	14.7	6.4	7.4

The erosion of our ability to deal with juvenile violence and crime has slowly happened over approximately twenty years. This began two years after our city had just opened a new detention facility for adult males, females and juvenile offenders. Our structure had a separate juvenile wing that would hold six offenders. Our procedure at that time was to bring the offender to the detention facility, do a standard record keeping process, place the offender in secured detention, then contact the parents or guardian. Once they arrived, the offender would be released to parents or guardian with a court date for a juvenile court appearance for them both, if the facts warranted. If the offense was of a very serious nature, the juvenile judge would be contacted and if he so ordered the offender could be held until they could appear before the juvenile judge. We felt this to be a very successful system for us; the reason being it brought together law enforcement, the judicial system and parents together immediately. This early intervention by these three groups gave us our greatest chance of success in correcting the behavior.

But, as the years passed, requirements began to change as more strings were attached to the way we would handle the juvenile offender. We had to receive permission from the juvenile judge before we could place the juvenile in secured detention. In our community with only one juvenile judge, who is also the sessions court judge, much time was beginning to be spent on waiting or finding the judge. During this time many other smaller requirements were also enacted. Then came the requirement of sight and sound. This immediately rendered our facility obsolete. It also

raised staffing requirements to a level we could not meet. We had a good, clean, secure facility that today goes unused except as a storage area.

From this time forward we began to see a change, not only in the amount of time it took to deal with juvenile problems, but the attitude of the juveniles we dealt with. A change also began to come over the law enforcement officers in the way they dealt with juvenile offenders. Officers became frustrated when it seemed that any effort on their part to deal with juvenile problems were fruitless. They became required to stay in the presence of the juvenile until the matter was resolved and in many instances drive them home. With a police force that struggles everyday to put three police officers on the street, if two to four hours has to be spend holding a juvenile; it became apparent to them that this was affecting not only juvenile law enforcement, but law enforcement services provided to the entire community. At this point you begin to find officers ignoring juvenile crime, as often as they can, until it becomes a most serious matter. This has now changed a system that once worked together at the early point to a series of uncoordinated responses at a point when the chances of correcting the deviant behavior are much more difficult. By eliminating even short-term secure detention, you have to remove the early intervention catalyst that brought together the forces that could provide earlier identification and assistance.

At the same time this is happening, look at what changes are taking place in the American society. We are struggling with redefining the family and what acceptable family norms are. We have the most intelligent generation that has ever existed with access to more information than ever thought possible. In the midst of all this we send the message there are no boundaries and no accountability for your actions. These are some of the people we expect to take hold of the future for all of us?

So why are we surprised that the amount of juvenile violence and crime are on the rise? In fact we need to realize that because of the messages we have sent by our actions and non-actions, the number of offenders is even higher than are reported. By widening the cracks in the system we will never know how many would have been helped, if we had only done our jobs better. Now, because our juvenile justice system is in disarray, our immediate goals should be to stop trying to place blame—there is enough for all to share in. We should be focusing first on making our citizens, schools and communities safe—nothing good can come until this happens.

In my small rural city, in the past 12 months, we have responded to calls at a local school, of a student with a gun, threatening assault on a teacher, and possession of drugs. Most people today would think this is a terrible thing but not highly unusual in an American high school of today. The problem is all these incidents occurred in our junior high—6th, 7th, and 8th graders. This is from a school that five years ago only called about an occasional truant or suspicious vehicle in the area. What happened in these cases is not unusual. In all these cases the offenders were released to their parents, suffering only school suspension and probation. Another testament to the intelligence of today's youth is in many cases when responding to a call involving juvenile, the offender will quote to the officer exactly what the officer can and cannot do, along with saying "You can't lock me up" and "All I'll get is probation". Without boundaries and early intervention we can expect the situation to continue to grow. When the juvenile justice system provides a weak, slow response to the problem, we enhance what many think is a growing weakness in the American family structure.

For the past 100 years we have shifted through changing philosophies on how to deal with the juvenile offender. That ride has left us with a juvenile justice system that is a mix of programs and goals that are unsteady and unreliable. Before we can even attempt to revise this system, we must establish some old but very basic goals. First, we must provide a safe environment for everyone in the community. Without a safe environment, youth offenders do not have a chance for rehabilitation, nor will the quality of life in your community be what the citizens deserve. Second, there must be an accountability for all: parents, adults, children, schools and government. Our nation was founded on the principal of the importance of the rights of the individual and this is a very precious heritage. However, we must have the ability to confront and deal with those that, by their actions, seek to rob others of that right. We should not be required to sell our birthright to accomplish these goals. Ours is a nation of laws whose purpose is to guarantee all life, liberty and the pursuit of happiness; these things do not come without a price. The time has come for use to pay the price—to do what is necessary to confront juvenile crime and violence—before we rob our future generations of their chance at the dream.

In my small rural community the federal government can do several things to work with us on the problem of juvenile violence and crime. First, give the same focus and attention that you do the metropolitan areas of our country. Please re-

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member—we live and work in the middle of our problem in our community. We do not go home to another part of town, our children do not go to another safer school, we do not shop, recreate or go anywhere in our community to avoid this problem. We don't have that luxury. We ask that you would carefully take our economic conditions into consideration before any more requirements are implemented that adversely effect our own ability to deal with the problem. Help us financially to meet the standards you have already set forth. Support us until such a time will come that we can assume the full burden.

By reviewing the information that has been included describing our socioeconomic conditions, I hope it will give you a better understanding of our condition. I also hope I have been clear in my explanation of our thoughts on this matter. I wish, on behalf of my city and county, to thank you for this opportunity to participate in the hearing. Thank You.

Senator THOMPSON. Mr. Oedekoven.

STATEMENT OF BYRON OEDEKOVEN

Mr. OEDEKOVEN. Thank you. I am Byron Oedekoven, the duly elected sheriff of Campbell County, WY. Campbell County is located in the northeast corner of the State. It is 60 miles to the west of the Black Hills of South Dakota and 60 miles to the east of the Big Horn Mountains of Wyoming. Our country is arid high plains and considered rural. Roughly 33,000 people live in our county's 5,000 square miles. Agriculture, coal mining activity, and gas exploration are the basis for our economy. We are considered by many to be the energy capital of the Nation.

I have served as sheriff for 10 years. Prior to my election, I spent 12 years with the Gillette Police Department working in all areas of the department. I am a graduate of Northwestern University School of Staff and Command and the FBI National Academy, as well as being selected one of Wyoming's representatives to the Rural States Crime Conference. Though I represent a rural sheriff's office located in Wyoming, the problems and issues being discussed today are not unique to my State. They are affecting departments throughout rural America.

The Campbell County Detention Center is primarily an adult justice facility composed of two blocks. Each block is broken down into pods. Within each pod are individual housing units. Please see the diagram. A central guard station is located in the center of both blocks. Direct visual supervision by staff into the day room of each pod occurs from the guard station. Floor-walkers provide additional monitoring of pods and individual housing units.

Adult male housing is clustered in one pod, while male juveniles and female inmates are housed in a separate pod. Internal movement of inmates—i.e., from housing units, intake, visiting, medical exams—occurs through central access corridors easily seen and monitored by staff. Intake for all inmates occurs at one end of the building completely removed from the housing units. The facility is clean and not in disrepair. As was reported by Community Research Associates staff during their 1991 review of the facility, quote, "The Detention Center is meticulously well maintained. There is effectively no signs of wear and tear and the spaces we visited were extremely clean."

Today, I am here to discuss with you the problems created for rural law enforcement by the rules and regulations of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), as authorized by the Juvenile Justice Delinquency Prevention Act (JJDPA),

and how the strings attached to the rules and regulations forced the State of Wyoming to withdraw from participation in the JJDPA.

Wyoming's history with the JJDPA is short. In 1990, Governor Sullivan signed an agreement to accept Federal funds to develop alternative juvenile programs to divert juveniles from incarceration in adult facilities. The process to comply with the rules and regulations of the OJJDP were started. A statewide task force was created. Regional meetings throughout the State were conducted and after careful review of the issues involved, the bureaucratic redtape that existed in the program, and the limited allocation of Federal funding designated for the State of Wyoming, it became readily apparent that Wyoming would not be able to comply with the Federal regulations established to enforce the act.

We are a very rural State. Approximately 480,000 people living in our 97,000 square miles make up the population of our State. More importantly, however, it became apparent that the problem of juvenile incarceration in secured and/or adult facilities was not a serious problem in Wyoming. Long distances exist between our towns. Our winters are long and harsh. Weather is unpredictable. Strong winds are commonplace and travel is often dangerous.

In our last reporting year, 1993, there were 2,069 juveniles held in adult lockups for the entire State. Of those, 647 juveniles were 18 years old. At that time, the age of majority in Wyoming was 19. That has since been changed to 18. If you subtract the 18-year-olds, the total number of juveniles held in adult facilities on any given day in Wyoming's 23 counties was 4. Even though the 1,422 incarcerated juveniles may have been held safely, securely, and without incident, each incarceration was a violation of the rules and regulations of the OJJDP, jeopardizing the State's OJJDP funding and exposing every sheriff in the State to civil litigation. In Campbell County, in 1993, I held 319 of those juveniles safely and securely, however, certainly in violation.

Upon review of the statistics, it became apparent that Wyoming could not afford the mandates set forth by the OJJDP. Separate secured and nonsecured facilities and staff, emergency shelters, holdover facilities, runaway programs, group homes and regional transportation programs were but a few of the alternatives needed to comply with the Federal rules and regulations. With an allocation of between $300,000 and $400,000, it became obvious that the program was an underfunded mandate and the best course of action was to withdraw from participation.

It also became apparent that it would be difficult for Wyoming to pursue entirely separate facilities because of our very low number of kids. I do not disagree with the basic premise that kids should not be held in adult facilities. However, in rural areas, the cost of attaining that objective, while meeting our responsibility to the public, is nearly impossible.

The reasons that it is not possible are numerous and varied. The rules and regulations of the JJDPA are absolute and too restrictive. Runaway-status offenders and juvenile delinquents, no matter how out of control they might be, cannot be placed in a secure jail or lockup. Separate staff must be provided when juveniles and adults

are housed in the same facility and total sight and sound separation must exist. Haphazard contacts are not allowed.

The degree to which these rules and regulations impact jail operations may not be obvious. For example, an officer stationed in a guard tower cannot flip a switch to open the cell door for an adult inmate during the same shift in which he opens a door for a juvenile. A juvenile being escorted by 5 officers cannot see or hear an adult, even if the only activity the adult inmate was engaged in is studying for his GED final exam.

The JJDPA fails to recognize the issues that a street officer must deal with on a daily basis. Rural areas have limited resources and are being adversely impacted by the JJDPA. When an officer picks up a kid on the street, he typically will become a babysitter. Kids are frequently out of control, drunk, or on the run when the officer first contacts them.

Since parents are often not home to take custody of their child, the officer ends up watching the child for the remainder of their shift. In rural communities, when shifts many times are made up of two officers, the ability of that department to meet the needs of the community is severely diminished. The irony that is created is that while Congress is promoting more cops on the street, bureaucratic regulations are removing those officers from the street to provide child care services.

Finally, the JJDPA is negatively impacting the judicial system. Kids now know they can't go to jail for their fifth minor under-the-influence offense. Courts are running out of options to effectively deal with these children. Home detention, work programs, fines, counseling and transportation to facilities over 100 miles away are no longer sufficient. With the removal of jail as an option, I, as well as our local courts, would argue that the effectiveness of diversionary programs is severely diminished. Incarceration is a valuable and necessary tool for the court. Use of local facilities should be encouraged, not discouraged, by the JJDPA.

I am not here asking for more money. I am merely asking for freedom from extreme Government oversight and regulation. Allow local communities the ability to address juvenile delinquency with all of the options, and jail must be one option. I believe that Congress should reexamine the role of the OJJDP and rein in their rulemaking authority. Exemptions for rural communities need to be established.

Chief Pfau stated in his letter that the most troubling areas of the rules and regulations are those that relate to strict sight and sound and staffing requirements, and I agree. Congress needs to create an exemption for rural areas that would allow them to address at the local level how best to deal with juveniles in their community.

Finally, it is important to note that the problems created by the OJJDP are not limited to rural areas in Wyoming. In preparation for this meeting, Maj. Robert Bankes of the Ward County Sheriff's Department in Minot, ND, provided his comments. As you will note, they too are struggling with the mandates of the JJDPA.

To sum up, I would like to quote a paragraph from correspondence sent to me by Nancy Roberts, our juvenile probation office director. Quote, "The matter of incarcerating juveniles in local facili-

ties is, as you well know, but another important piece for success in changing adolescent criminal behavior. The advantage rural States and their communities have over large metropolitan areas is that incarceration can be incorporated in the complete treatment design, not just the only choice. We still know our children, their parents, teachers, therapists, coaches, friends, etc. To remove detention would deter from the total concept and principles set forth in our philosophy which in essence says, 'Children, we love you, but we will not tolerate your illegal and dangerous behavior.'"

We do care about our kids and hate to see our young people incarcerated, and recognize that kids do not belong in jail. I ask for freedom from oversight and regulation because jail still needs to be an option.

Thank you.

Senator THOMPSON. Thank you very much.

[The prepared statement of Mr. Oedekoven follows:]

PREPARED STATEMENT OF BYRON OEDEKOVEN

I am Byron Oedekoven, the duly elected Sheriff of Campbell County, Wyoming. Campbell County is located in the northeast corner of the State, sixty miles to the west of the Black Hills in South Dakota and sixty miles to the east of the Big Horn Mountains of Wyoming. Our county is aired high plains and considered rural. Roughly 33,000 people live in our county's 5,000 square miles. Agriculture, coal mining, oil activity and gas exploration is the basis of our economy. We are considered by many to be the energy capital of the nation.

I have served as Sheriff for ten years. Prior to my election, I spent 12 years with the Gillette Police Department working in all areas of the Department. I am a graduate of the Northwestern University School of Staff & Command and the FBI National Academy, as well as being selected as one of Wyoming's representatives at the National Rural States Crime Conference. Though I represent a rural Sheriff's Office located in Wyoming, the problems and issues being discussed today are not unique to my State. They are affecting departments throughout rural America.

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Today, I am here to discuss with you the problems created for rural law enforcement by the rules and regulations of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as authorized by the Juvenile Justice Delinquency Prevention Act (JJDPA) and how the strings attached to the rules and regulations forced the State of Wyoming to withdraw from participation in the JJDPA.

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More importantly, however, it became apparent that the problem, juvenile incarceration in secured and/or adult facilities, was not a serious problem in Wyoming. Long distances exist between our towns. Our winters are long and harsh. Weather is unpredictable, strong winds are commonplace and travel is often dangerous.

In our last reporting year (1993), there were 2,069 juveniles held in adult jails or lock ups for the entire state. Of those, 647 of the juveniles held were 18 year olds. (At the time, the age of majority in Wyoming was 19. That has been changed to 18.) If you subtract out the 18 year olds, the total number of juveniles held in adult facilities on any given day in Wyoming's 23 counties was four. Even though the 1,422 incarcerated juveniles may have been held safely, securely and without incident, each incarceration was a violation of the rules and regulations of the OJJDP, jeopardized the State's OJJDP funding, and exposed every Sheriff in the state to civil litigation. In Campbell County (1993), I held 319 of those juveniles safely and securely, however certainly in violation.

Upon review of the statistics, it became apparent that Wyoming could not afford the mandates set forth by the OJJDP. Separate secured and non-secured facilities and staff, emergency shelters, holdover facilities, runaway programs, group homes, and regional transportation programs, were but a few of the many alternatives needed to comply with the federal rules and regulations. With an allocation of between $300,000 and $400,000, it became obvious that the program was an underfunded mandate and the best course of action to take was to withdraw from participation.

It also became apparent that it would be difficult for Wyoming to pursue entirely separate facilities because of our very low numbers of kids. I do not disagree with the basic premise that kids should not be held in adult facilities. However, in rural areas, the cost of attaining that objective while meeting our responsibilities to the public is nearly impossible.

The reasons this is not possible are numerous and varied. The rules and regulations of the JJDPA are absolute and too restrictive. Runaways, status offenders, and juvenile delinquents, no matter how out of control they might be, cannot be placed in a secured jail lock up; separate staff must be provided when juveniles and adults are housed in the same facility, and total sight and sound separation must exist. Haphazard contacts are not allowed. The degree to which these rules and regulations impact jail operations may not be obvious. For example, an officer stationed in a guard tower cannot flip a switch to open a cell block door for an adult inmate during the same shift in which he opened a door for a juvenile. A juvenile being escorted by five officers cannot see or hear an adult even if the only activity the adult inmate was engaged in was studying for his GED final exam.

The JJDPA fails to recognize the issues that a street officer must deal with on a daily basis. Rural areas have limited resources and are being adversely impacted by the JJDPA. (See Exhibit C: letter from Chief Pfau.) When an officer picks up a kid on the street, he typically will become a babysitter. Kids are frequently out of control, drunk, or on the run when officers first contact them.

Since parents are often not home to take custody of their child, the officer ends up watching the child for the remainder of the shift. In rural communities, where shifts many times are made up of two officers, the ability of that department to meet the needs of its community is severely diminished. The irony this creates is that while Congress is promoting more cops on the street, bureaucratic regulations are removing those officers from the streets to provide child care services.

Finally, the JJDPA is negatively impacting the judicial system. Kids now know that they can't go to jail for their fifth minor under the influence offense. Courts are running out of options for effectively dealing with these children. Home detention, work programs, fines, counseling and transport to facilities over 100 miles away, are no longer sufficient. With the removal of jail time as an option, I, as well as our local courts, would argue that the effectiveness of diversionary programs are severely diminished (see exhibits D and E). Incarceration is a valuable and necessary tool for the courts. Use of local facilities should be encouraged, not discouraged by the JJPDA.

I am not here asking for money. I am merely asking for freedom from extreme government oversight and regulation. Allow local communities the ability to address the problems of juvenile delinquency with all the options and jail must be one option.

I believe that Congress should re-examine the role of OJJDP and rein in their rulemaking authority. Exemptions for rural communities need to be established. Chief Pfau stated in his letter that the most troubling area of the rules and regulations are those that relate to the strict sight and sound and staffing requirements. I agree. Congress needs to create an exemption for rural areas that would allow

them to address at the local level how best to deal with the juveniles in their community.

Finally, it is important to note that the problems created by the OJJDP are not limited to the rural areas of Wyoming. In preparation for this meeting, Major Robert Bankes of the Ward County Sheriff's Department in Minot, North Dakota, provided his comments. (See Exhibit F.) As you will note, they too are struggling with the mandates of the JJDPA.

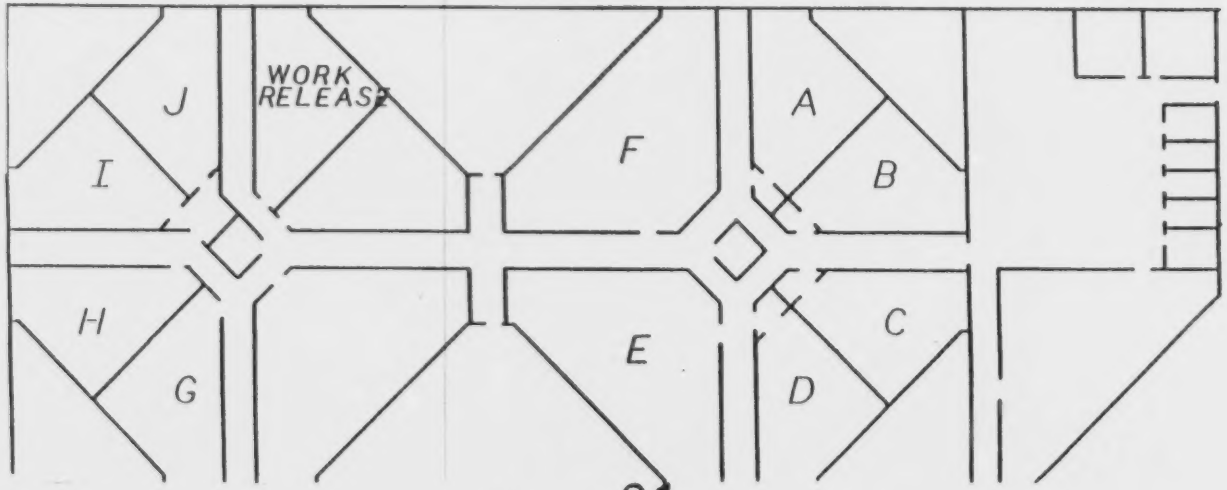
To sum up, I would like to quote a paragraph from correspondence sent to me by Nancy Roberts, our Juvenile Probation Office Director: "The matter of incarcerating juveniles in local facilities is, as you well know, but another important piece for success in changing adolescent criminal behavior. The advantage rural states and their communities have over large metropolitan areas, is that incarceration can be incorporated in the complete treatment design, not just the only choice. We still know our children, their parents, teachers, therapist, coaches, friends, etc. To remove detention would deter from the total concepts and principles set forth in our philosophy which in essence says, "Children, we love you, but we will not tolerate your illegal and dangerous behavior." (See Exhibit G.)

We do care about kids and hate to see our young people incarcerated and recognize the kids do not belong in the jail. I am asking for freedom from oversight and regulation because jail still needs to be an option.

EXHIBIT A

CAMPBELL COUNTY
DETENTION CENTER
POD LAYOUT

LEGEND	
A-F	Adult Males
G-H	Juvenile Males
I	Juvenile Females
J	Adult Females



[EXHIBIT B]

COMMUNITY RESEARCH ASSOCIATES,
Champaign, Illinois, November 1, 1991.

Subject: Juvenile Holding at the Campbell County Detention Center.

Lt. ROBERT MELVIN,
Campbell County Sheriff's Department,
Gillette, WY.

DEAR LT. MELVIN: The following information on the use of designated cellblocks at the Campbell County Detention Center for the custody of juveniles has been prepared in response to your request for technical assistance. At issue is the possibility that juvenile holding at the facility may constitute a violation of Federal compliance regulations. In addition, other matters such as the provision of services to juveniles may be of concern. These and other issues are discussed in the following text.

OBSERVATIONS

The Campbell County Detention Center (CCDC), primarily an adult justice facility, is composed of individual housing units (or pods) of various sizes. These units are grouped around central guard stations which permit direct visual supervision by staff into the dayroom areas of each housing unit. Adult male housing is clustered around one station, with male and female juveniles, adult female and work release arranged around a second station. Internal circulation, i.e., from the housing units to intake, visiting, etc., occurs through a central access corridor easily seen from the staff station and the housing units. The housing units themselves have glazed walls separating dayroom space from the access corridor to facilitate supervision.

Intake for all inmates occurs at one end of the building in an area completely separated from the housing units. Circulation from the intake area to all housing areas occurs through a central corridor; inmates need not pass directly through or adjacent to individual housing units. Holding cells in the intake (or booking) area have glass panels to permit observation of detainees.

The detention center is meticulously well maintained. There is effectively no sign of wear and tear, and the spaces we visited were extremely clean. The facility design incorporates large dayroom areas and skylighting so that the units feel spacious. Each housing unit has direct access to an outside recreation area. The juvenile units are located immediately adjacent to an indoor recreation/exercise room. Separate program areas such as classrooms, craft areas, etc., are not available.

COMPLIANCE ISSUES

Federal regulations require that juveniles detained in adult jails be separated by sight and sound from adult inmates at all times, i.e., during booking, while lodged, during any daily activities wherever these occur, and while circulating within the facility. Although inadvertent sound transmission of loud noises from an adult area to a juvenile area is not considered problematic, regular transmission of noises and any possible form of communication between juveniles and adults is expressly prohibited. Visual contact is considered to be a serious problem, and juveniles should have no such contact with adult inmates, including trustees.

Specific problems, then, at the CCDC include the fact that all juveniles and adults are booked through the same area. Policy and procedure may prevent juveniles and adults from passing through the booking space at the same time, but either juveniles or adults may be temporarily detained in the holding cells and seen by other offenders being processed through the booking area. This is not acceptable for purposes of compliance. Visual contact is also possible if juveniles and adults are moved through the central corridor at the same time. This problem, however, can be prevented procedurally by forbidding juvenile and adult use of the corridor simultaneously.

The fact that adult females and adults in work release occupy housing units in the same housing pod as juveniles is more problematic. Access through the internal corridors in the housing pod can be readily detected by residents of the various housing units, and visual communication between the units themselves is possible. To eliminate these problems, unit assignments may have to be changed (with male and female juveniles sharing the same duplex units and with adult females/work release more detached from the juvenile spaces. Spatial dividers to prevent visual contact might also be useful in this regard, i.e., to prevent visual contact between units or to the corridors.

If a separate entry could be arranged (and the plan suggests several possible alternate entrees), juveniles might not have to move through the building at all (except for visiting and interviews), and a more complete separation thus obtained. With minimal spatial dividers, male and female juvenile units could be better separated from adult units and from the internal pod corridor.

Although the aforementioned problems can conceivably be resolved through procedural and physical means, other problems remain. I am specifically referring to the fact that status offenders are detained and to the fact that many juveniles are detained for more than six hours. Both are prohibited by the Juvenile Justice and Delinquency Prevention Act and by compliance regulations issued pursuant to the Act. Section 223(12)(A) of the Act provides that: "* * * juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders * * * shall not be placed in secure detention or secure correctional facilities."

OJJDP policy stipulates that even the most momentary holding or processing of status offenders in a secure adult facility is a violation of compliance mandates. Status offenders may, however, be held up to 24 hours in a separate but secure juvenile facility.

With regard to the secure custody of delinquent or criminal-type offenders, policy number 89–1401 (Jail Removal Exceptions) issued by OJJDP grants a six hour grace period for holding juveniles in an adult facility. Although such custody is not encouraged, delinquent juveniles held in an adult jail for up to six hours need not be reported as a compliance violation provided all conditions of sight and sound separation are maintained.

If the county wishes to avoid a significant number of compliance violations in the future, few options are available. At a minimum, a prohibition against detaining status offenders in the CCDC would have to be implemented. At the same time, a policy requiring stays of no more than six hours should be instituted, along with procedural safeguards which would prevent contact between juveniles and adults during booking and while moving juveniles within the building. I understand that, while these things are possible to do, they would create certain other problems. Many, if not most, juveniles admitted to the CCDC stay several days, and processing and release of juveniles within six hours is considered impractical or even inappropriate. There are no other secure residential facilities available, and access to programs for status offenders is equally difficult.

Local authorities have indicated that it is desirable to continue providing full-service juvenile detention at the CCDC since it is the only option available to Campbell and nearby counties. Continued use of the facility for this purpose is possible, of course, but will result in compliance violations unless the county, in concert with the state, declares the juvenile component a separate juvenile facility and has it approved as such by Federal authorities. The regulations governing this approach to juvenile custody have recently been clarified and are discussed below.

FEDERAL REGULATORY ISSUES

Federal regulations issued pursuant to the Juvenile Justice and Delinquency Prevention Act specify that juveniles may only be detained in a facility which houses adults if: (1) adult and juvenile areas are totally separated, i.e., no sight or sound communication between adults and juveniles is possible, (2) juvenile and adult programs are completely independent, with no sharing of spaces at the same time, (3) staff responsible for direct care and supervision of juveniles are not simultaneously responsible for adult inmates, and (4) the portion of the facility housing juveniles is licensed as a secure juvenile detention facility in accordance with all applicable state detention standards.

Regarding the first item, sight and sound separation, this report has already discussed the means by which total separation can be achieved at the CCDC. This degree of physical and visual separation is essential before further consideration is warranted.

The second item, which requires independent juvenile and adult programs and no simultaneous sharing of spaces, can be accomplished at the CCDC. Many juvenile programs can be conducted in the housing areas, and sufficient outdoor and indoor recreation space is easily accessible. Indoor exercise space and visiting rooms can be time-shared with adults to avoid inappropriate contact. This is not to say that the juvenile areas of the CCDC should be considered exemplary; good jail space is not necessarily appropriate as an environment for juveniles. It is, rather, to suggest that the present spaces are workable and can reasonably be used for expanded services and activities.

Skipping item three momentarily, the fourth and final requirement is that the facility be licensed as a juvenile facility in accordance with state standards. Since there are no existing state standards for county juvenile detention facilities, the CCDC would be in compliance with this requirement by default. Federal regulations require no conformance with any other standard or licensing criteria.

Which brings us back to item number three, the requirement for separate direct care staff. This regulation requires separate direct care and supervision staff for juvenile residents. Although cooks, medical personnel, and possibly even program staff (education, counseling, etc.) may provide services to both juveniles and adults so long as they occur without contact between the separate groups, regulations do not permit adult corrections officers to supervise juveniles and adults at the same time or at alternating times during the same shift. Since supervision from the guard station in Pod B covers both juvenile and adult housing units, this would not be considered acceptable for purposes of receiving designation as a separate juvenile facility. Similarly, the fact that corrections officers who do room checks cover both juvenile and adult housing would be seen as inappropriate.

If the county wishes to pursue designation of the juvenile component as a separate facility, it will probably be necessary to develop entirely separate supervision staff or to direct adult corrections officers (who are trained to provide juvenile services) to this purpose. Had juveniles only been lodged occasionally, this second option would have been a cost effective solution, with adult corrections officers diverted as needed. However, juveniles are housed at most times, and independent staffing constitutes the most practicable, albeit somewhat costly, solution.

OTHER ISSUES: CONDITIONS OF CONFINEMENT

As has been mentioned already, environmental quality in the juvenile units at the CCDC is very good. Lighting, space available, access to both indoor and outdoor exercise, and sleeping/sanitary accommodations are all well conceived. Attention has been paid to typical standards requirements. Although the units are, perhaps, more security-oriented than is necessary for juvenile detention purposes, in general, the existing arrangements are quite satisfactory.

These attributes, however, are not in themselves sufficient to delineate a good juvenile detention program. An ever increasing number of court cases point toward the range of services to which juveniles are entitled. Among these services are included education, recreation and counseling. In addition, access to privacy, social services, counseling, mental and physical health services, and other items associated with maintaining personal well-being are time and again identified by the courts as essential elements of satisfactory juvenile detention programs. Even food services are the object of much attention since nutritional requirements for young people are substantially different from those for adults.

In any case, should local authorities wish to implement a juvenile detention program at the CCDC which is recognized as separate from the adult operation for purposes of compliance, some thought should be given to developing a more complete range of services designed to be responsive to specific juvenile needs. Special attention should be given to educational programs and directed leisure time activities. Though Federal regulations do not require such specificity, experience suggests that long-term operational quality depends greatly on such daily programming. Local/school boards are frequently willing to provide specialized educational services based on demonstrated need, and school officials should be consulted regarding the possibility of developing a responsive program. In addition to more typical educational activities, learning and social skills assessments might also be considered. Special classes on life skills (job interviewing, social interaction, personal savings and money issues, etc.) might also be provided along with seminars on issues of concern (drug use, sexual responsibility, etc.). A full range of such programming and expanded daily operational activities may justify the presence of a full-time coordinator or program director depending on the scope of services envisioned.

SUMMARY

The continued use of the CCDC as a secure juvenile detention facility will require an expanded commitment by the county. To comply with Federal regulations, all status offender jailings must be eliminated and length of stay for delinquents reduced to six hours or less. Alternatively, the juvenile areas could be designated as a separate juvenile facility in which case separate staffing will be necessary. This will represent a new cost to the county. Formula grant funds allocated to the State of Wyoming may be used to pay for all or part of such staffing at the discretion of the State Advisory Group. If the juvenile component is designated a separate facility, expanded services may be appropriate.

I hope this information will be useful in evaluating the most appropriate course of action to be taken with regard to juvenile detention at the CCDC. I appreciate the time you spent with me, Joe Thome and John Moses in explaining daily operations and the use of the juvenile component. Please feel free to give me a call if further clarification is needed or if you'd like to discuss various developmental options.

Sincerely,

MICHAEL J. MCMILLEN.

[EXHIBIT C]

CITY OF GILLETTE POLICE DEPARTMENT,
Gillette, WY, March 7, 1996.

Re: Rural States Exemption to Juvenile Justice Act.

BYRON F. OEDEKOVEN,
Sheriff,
Campbell County Sheriff's Office,
Gillette, WY.

DEAR SHERIFF: As you know, for a number of years the State of Wyoming was exempt from portions of the Juvenile Justice Act, specifically detention facility standards due to it's rural makeup, relatively low crime rates and recognition by Congress that the Federal rules promulgated did not reflect the needs of rural states. Several years ago the exemption expired and was not renewed. In July of 1996, as I understand the situation, no juvenile offender may be placed in a detention facility unless they are charged as an adult offender. This is causing serious problems in the State both at the local and State level and unless it is reinstated, Wyoming and other rural areas will continue to struggle needlessly with growing problems in dealing with juvenile offenders. Specifically:

There are no short term holding facilities in the State for pre-trial and post trial juvenile detainee's. The State has one long term holding facility which is crowded to the point that they release one inmate to accept another and stays are very seldom longer than 45 days (which in my opinion places it in the category of a short term facility).

Nearly every one of Wyoming's 23 county jails is capable of holding a juvenile in a clean, safe and well maintained facility (many of which had juvenile facilities built but cannot be used because they cannot meet Federal rules that require juvenile facilities to be sight, sound and staffed with personnel who do not also have contact with adult offenders. It is as if the belief exists under Federal rules that a juvenile will catch some kind of crime virus from seeing or hearing an adult offender or suffer some kind of psychological breach because the jailer serving the adults dinner also served the juveniles their dinner.

No County in the State of Wyoming is capable in anyway of paying for the exhorbinant cost of constructing detention facilities to deal with the relatively small number of offenders. Regional facilities are not viable due to the distance that separates Wyoming communities. Nor does the State of Wyoming not have funds to construct these facilities.

Here is what I see occurring throughout Wyoming and in many other parts of the Country in dealing with juveniles who are committing a disturbingly high number of property and violent crimes:

1. As a juvenile can no longer be placed in detention centers for so called status offenses: Runaways are picked up and when transportation cannot be obtained and they are placed in "Crisis Homes" which they run from. Cut it anyway you please, a 14 or 15 year old is always better off in a detention center than living off the street.

Minors consuming alcohol—A huge problem in Wyoming and nationwide with the "less intoxicated" being cited and released and the drunker ones sent to the parents if they can be located or placed in a Crisis Home if they are not disruptive (they usually are) and so for lack of any better alternative they are released to some kind of responsible party. Often, juveniles under the influence commit other crimes and their situation is worsened.

2. Juveniles cannot be held in a detention center unless they are charged as an adult. They are very much aware of this and aware of the lack of facilities to deal with them. The ability of the justice system to affect their behavior has seriously eroded and I believe has played a role in the escalation of juvenile crime in the State and Country. We have created cracks in the system and kids are falling through them at an alarming rate.

3. Judges in Wyoming have very limited options for holding pre-trial detainee's and less for sentencing juveniles convicted of a crime. It is quite common to see a youth sentenced to probation, violated probation, re-sentenced to probation, violate, then sent to Boys School or Girls School (Wyoming's 2 detention facilities for boys and girls) for 30 days or so and then the cycle starts again.

Whatever else may be true in this world, maturing is the process of realizing the consequences for ones actions. Juveniles presently are not experiencing this because very little can be done with them or to them—they see no consequence and we have made it so.

The intent of the Juvenile Justice Act was to protect juveniles from jail environments that were dangerous or detrimental to their interest considering their young age. It is my understanding that the Juvenile Justice Act was spawned from travesties that were occurring to youths in jail in which juveniles were being detained along with serious adult offenders, preyed upon by inmates and untrained staff. Certainly no law enforcement officer would support or condone this type of treatment for any kid.

However, Wyoming did not have these kind of occurrences. While I have many problems with the Juvenile Justice Act, the sight, sound and staff requirements is government at it's worst. There are facilities that are more than adequate to house juveniles, but cannot be used due to rules that were instituted to deal with problems Wyoming did not have.

I think that I speak for all law enforcement in this State in saying that Wyoming should have an exemption to the sight, sound, and staffing requirements under the Juvenile Justice Act. It makes good use of existing facilities and more importantly, I am certain that it will be in Wyoming youth's best interests.

Sincerely,

JEFFREY M. PFAU,
President, Wyoming Association of Sheriff's and Police Chiefs.

[EXHIBIT D]

COUNTY COURT OF CAMPBELL COUNTY,
Gillette, WY, March 5, 1996.

Re: Testimony on Juvenile Justice Act.

BYRON OEDEKOVEN,
Campbell County Sheriff,
Gillette, WY.

DEAR SHERIFF OEDEKOVEN: This is sent pursuant to your request for written comments to be presented with your testimony in support of a rural exemption to the juvenile detention requirements of the Juvenile Justice Act. We thank you and the members of the judiciary subcommittee for the chance to submit this letter.

Our position is simple. We must have a rural exemption to the detention requirements of the Juvenile Justice Act. There are two secure juvenile facilities in Wyoming and those two facilities strain to serve a population of more than 460,000. Our state is struggling with money and construction of correctional facilities is not a political or financial priority with our legislature. As you are aware, the legislature has considered building a new prison for the past five years and the matter is still stuck in debate. If we refuse to build prisons we will undoubtedly refuse to build juvenile facilities required under the provisions of the Juvenile Justice Act.

We agree that money and politics should not dictate the result in these situations and we agree that detention of juveniles should be kept to a minimum. However, there are times when detention is in the best interests of society and in the best interests of the juvenile. Local authorities should have the flexibility to handle these matters in their areas as the situations dictate. There should not be a "one size fits all approach" in regard to juvenile detention and we support a rural exemption to the Juvenile Justice Act.

Respectfully submitted,

TERRILL R. THARP.
WILLIAM S. EDWARDS.

[EXHIBIT E]

THE STATE OF WYOMING,
SIXTH JUDICIAL DISTRICT,
Gillette, WY, March 7, 1996.

Re: OJJDP.

BYRON OEDEKOVEN,
Campbell County Sheriff,
Gillette, WY.

DEAR SHERIFF OEDEKOVEN: I am responding to your request for input secure facilities to house delinquent juveniles. Fifteen years on the district bench dealing with delinquents has taught me several things, at least two of which are now indelibly etched into my consciousness.

First, the option of a punitive sanction, available in the community (not 100 miles away), is absolutely necessary if the system is to have credibility. Often a few days in jail is an effective wake up call for wayward youth, one which gets their attention and causes them to focus on their circumstances. Once reality dawns they become much more attentive and compliant. Many of the rather sophisticated young criminals we see are impressed with nothing less. During the year when jail was not an available option the juveniles quickly realized that the juvenile court was a paper tiger. As you know males were the biggest problem. Since it was the only available punitive sanction the Boys' School was quickly overburdened with placements and, consequently, unable to accomplish much with those committed there. We were forced to live with that dubious legacy for too long. Since the legislature restored jail as an option (in spite of the wailing of the shrill voices at OJJDP) the court has regained the respect of juveniles and enjoys restored confidence in the community.

Since, a secure facility is sometimes necessary for those awaiting trail or disposition. As much as we might hope otherwise, juveniles cannot always be sent home after they have come into contact with the police, particularly if the allegations are serious or the juveniles are recidivists. Likewise, a minimally restrictive environment does not always meet the community's legitimate need for safety.

While it may not meet all the requirements promulgated by the OJJDP, the Champbell County Detention Facility provides a secure and safe place for adjudicated juveniles and those waiting trail or disposition. Juveniles are less susceptible to physical or sexual abuse or corrupting influences in the CCDC (even if they were to have incidental contact with adult prisoners) than those committed to juvenile hall in any number of American cities. No matter how well intentioned, the "one size fits all" mentality that has driven the process and dictated the "standards" for juvenile facilities is obviously uninformed as it relates to rural areas such as ours. As with so many regulatory efforts the legitimate goals of insuring safety for the juveniles and security for the community is subsumed by the regulators need to dictate and control, in exquisite detail, the results as well as all of the particulars of the process. Reasonableness has been sacrificed on the zealot's altar. I hope the congress can muster the political courage and apply the common sense necessary to curtail this regulatory excess and restore sanity to the juvenile system. Quite frankly, I resent the implication that federal bureaucrats, with their advisors and confederates, are morally superior to the rest of us or have a monopoly on concern for juveniles or the communities in which they reside. I cannot accept the notion that Washington D.C. is the fountainhead of informed discourse with respect to the nettlesome issues of juvenile crime.

Thank you for the opportunity to comment. I wish I could be more optimistic about the prospects of injecting reason into this debate.

Best personal regards.

TERRENCE L. O'BRIEN.

[EXHIBIT F]

WARD COUNTY SHERIFF'S DEPARTMENT,
Minot, ND, March 6, 1996.

Sheriff BYRON OEDEKOVEN,
Champbell County Sheriff's Department,
Gillette, WY.

DEAR SHERIFF OEDEKOVEN: I am writing in response to your teletype dated March 1, 1996. It is my understanding that you will be attending a Senate Hearing con-

cerning the Juvenile Justice Act and the regulations that have been passed since 1974.

Beginning in 1994, this department has been interested in establishing a Juvenile Detention Center. Our current remedy is to transport juveniles to a state operated Youth Correctional Center located 120 miles away. We are a county of 56,000 people with the majority residing in the City of Minot. Our jail was built in 1984 and has the capacity to house approximately 86 inmates. The jail is a "pod" design with a lobby entrance, a sally port, and staff only entrances/exits on both the North and South sides.

When we first envisioned a Juvenile Detention Center, our proposal was to co-locate the juvenile facility inside the adult facility. The original plan was to dedicate a "pod" located on the second floor of our three story facility to juveniles. This would have allowed a separate entrance to the floor, through the sherriff's departments administrative offices. We agreed, in accordance with OJJDP regulations, to supply separate policy and procedures, a separate staff and to invest money to refurbish the cell block. This refurbishing would include furniture, carpeting and acoustical tiles.

We made contract with the North Dakota Division of Juvenile Services and presented our idea. They endorsed the plan but told us that the OJJDP frowned on co-location. They recommended that a representative from OJJDP visit our facility. In May of 1994, Mr. Jeff Allison from OJJDP visited our facility. Mr. Allison was presented with our proposal and reviewed our data from January to December 1993. During that time period, our facility housed 20 juveniles. Eight of those were deemed in violation of the JJDP Act. Because of the rural exception, the violations consisted of juveniles who were held more than 24 hours.

Mr. Allison would only agree to a co-located facility if spatial separation was achieved by either dedicating an entire floor to juveniles or by building a wall between the adult cell block and the proposed juvenile cell block. However, when Mr. Allison was shown the cell block currently used to house juvenile offenders on an emergency basis he wrote, "The cell block itself was clearly sight and sound separated from the adult cell blocks." The block or pod that Mr. Allison refers to in his statement is on the first floor of our facility. That pod is surrounded by three other cell blocks. In contrast, the pod we proposed as a juvenile detention center has only one other cell block on the same floor and the two are separated by a master control room.

To date, our county has no Juvenile Detention Center. We were willing to provide all the necessary components outlined in the JJDP Act if allowed to co-locate in the adult facility. our current average jail population is 40 percent, leaving adequate space for a pod dedicated to juvenile detention. We have even agreed to make a separate entrance into a first floor cellblock to accomplish this goal, but have been met with resistance.

There is no doubt that the policies set forth in the OJJDP Act are intended to reduce adult/juvenile contact and collaboration. No doubt these stringent policies as necessary in larger, metropolitan areas. However, in rural America, we do not carry the same number of juvenile offenders. The needs for juvenile detention are still very real but these same policies, developed for urban areas, are extremely restrictive to rural areas. The OJJDP policies prohibit rural areas from developing and implementing appropriate detention alternatives to the juvenile problem.

In summary, like many other rural areas, we have a definite need for juvenile detention centers. Similar jurisdictions have no resources available to house juvenile offenders outside of already established adult facilities. The OJJDP, while acting in good faith, has established policies which we believe restrict rural communities in achieving their goals. Those goals are to function in both an enforcement and prevention capacity, emphasizing neither role at the expense of the other. With comprehensive administrative policies that would provide guidance to individual officers coupled with sight and sound segregation between juvenile and adult offenders, we can find no reason why OJJDP policies could not be relaxed to accommodate rural needs.

Best of luck at the Senate Hearings on March 12, 1996. It is a large burden to shoulder, trying to convince the Federal Government that their well-intended policies are actually hindering a large portion of America. If I can be of any assistance in the future, please do not hesitate to call upon me.

Sincerely,

ROBERT BANKES,
Major, Chief Deputy Sheriff.

[EXHIBIT G]

CAMPBELL COUNTY JUVENILE PROBATION,
Gillette, WY, March 7, 1996.

BYRON OEDEKOVEN,
Campbell County Sheriff,
Campbell County Detention Center,
Gillette, Wyoming.

DEAR SHERIFF OEDEKOVEN: Your up and coming presentation to the Senate Sub Committee in Washington, D.C. on "Youth Violence" has given me pause to consider the advantages we have here in Campbell County and Wyoming regarding our juvenile offenders and the successful system we have in place. Given that our juvenile offenders' recidivism is low, I thought perhaps you would appreciate some refresher information that might assist you when you meet with those who have such a limited point of reference when discussing rural states and the local communities of which they are comprised.

As in any successful system, we have established working principles among the adults which speak to the needs of juvenile offenders. We have found that the following principles echo the values and ideals of Wyoming and Campbell County. They are:

1. Accountability of the juvenile and their families for unlawful behavior and responsibility for that behavior.
2. Competency development of emotional maturity and skill building so that the juvenile and his/her family may be restored as functioning members of society.
3. Community protection so that no citizen is placed at risk due to the policies and procedures associated with principles 1 and 2.
4. Coordinated planning and programming collaborated among all peoples with the intention of retaining juveniles at the most local level of intervention.
5. And most significantly, a commitment by the adult community to remain focused upon the juveniles' unlawful behavior and needs, opposed to focusing upon individual territories and/or personal agendas.

In keeping with the above principles the centralization of all juvenile matters to one programming location have proved most effective. In Campbell County, the county owned juvenile probation office is so designated and it is from this hub all other programming revolves. This established hub does not preclude the critical importance of other programming and agencies, but rather enhances the areas of specialization that those specific programs offer i.e. mental health (Campbell County Memorial Hospital), counseling (Wyoming Regional Counseling Center et al), child protection (Department of Family Services), schools/education (Campbell County School District), crisis placement (YES House), parenting classes, drug and alcohol evaluation/treatment, and detention to name a few. Localizing juvenile probation assures accountability in keeping with the state statutes but eliminates cumbersome bureaucratic time assuming mandates of the state and keeps the separation of "children in need of protection" services and "protection from juvenile offender" services separate. Although a juvenile may have protection concerns, their unlawful behavior must be addressed first.

By utilizing a central program (Campbell County Juvenile Probation) as the hub, it can further serve as an information gathering source which acts as a catalyst for seeking specialized services from the surrounding agencies using the team approach in making those decisions pertinent to each individual juvenile and his/her family.

The advantage to the courts are many, in that one report in the form of the social summary presents as a detailed presentation of all issues relevant to the child and family. This enables the court to separate the wheat from the chaff and gives them a clear vision of the behaviors, and options available for the juvenile an individualized basis. Matters of strict probationary concern i.e. supervision, community service, and restitution are monitored at the probationary hub, allowing the specialized skills of the supporting agencies time to focus upon the issues i.e. chemical dependency, molestation, education, anger management, etc. In many communities the tail wags the dog resulting in parents and juveniles who are skilled at jumping from one agency to the next, splitting professionals and programs, and in essence continuing the same dysfunctional behavior that have destroyed their family units in the past and continue to do so.

The matter of incarcerating juveniles in local facilities is, as you well know, but another important piece for success in changing adolescent criminal behavior. The advantage rural states and their communities have over large metropolitan areas, is that incarceration *can* be incorporated in the complete treatment design, not just the only choice. We still know our children, their parents, teachers, therapist, coaches, friends, etc. To remove detention would deter from the total concepts and prin-

ciples set forth in our philosophy which in essence says, "Children, we love you, but we will not tolerate your illegal and dangerous behavior."

For those more violent and behaviorally out-of-control juveniles, how can we reach them if they are allowed to continuously run loose endangering themselves and others? In essence when a child's behavior is out-of-control we may not be able to change their behavior immediately, but we can change their environment so that their safety is assured until we can implement change and assistance.

In summary, with localized programming relevant to juvenile offenders built around a hub of centralized programming which constitute identification, evaluation and planning within the confines of a teach approach, courts, parents, agencies, and the community at large benefit from an overall awareness and understanding which eliminate confusion and promote cooperation and success.

I wish you well with your endeavors in Washington and wish I could join you. A word of advice, don't let them know where we are. They will want to move here too.

Best of luck.

Sincerely,

NANCY Q. ROBERTS,
Director, Campbell County Juvenile Probation Office.

Senator THOMPSON. Mr. Ray Luick, administrative officer, Wisconsin Office of Justice Assistance.

STATEMENT OF RAY LUICK

Mr. LUICK. Thank you, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to address the topic of the Federal mandates, or as they are now called, the core requirements of the Juvenile Justice and Delinquency Prevention Act.

My name is Ray Luick and, as you indicated, I am the administrative officer for the Wisconsin Office of Justice Assistance, the State agency charged with the responsibility of administering the JJDPA, as well as the Edward Byrne Law Enforcement Assistance Program and now the Violence Against Women Act. We are also the statistical analysis center for the criminal justice-related data for the State.

We in Wisconsin feel uniquely qualified to address the issue of program mandates, since we are currently in compliance with the requirements of the act, in part, through the efforts of this subcommittee, Senator Kohl, Representative Petri, and the entire Wisconsin delegation. Your efforts have permitted an exemption to the requirement that the staff of a secure detention facility be completely separate from the staff that supervises adult inmates. This issue is closely related to the topic of collocation of juvenile detention facilities within the same building as an adult trail and the sight and sound separation restrictions that are also a JJDPA core requirement.

There are four specific areas that I would like to address today. The first is the need for flexibility. The second is the importance of continued Federal support for juvenile justice projects and program activities. Third is support for Senator Kohl's Juvenile Jail Improvement Act, and the fourth is the importance of provisions relating to collocation, shared staffing, and sight and sound separation.

Without flexibility in implementing the jail removal mandate, Wisconsin would not, and perhaps could not be in compliance with the act. Only the action described earlier created circumstances that have allowed us back into the act.

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We have conducted a study of the 15 secure detention facilities that are in operation within the State of Wisconsin today under the exemption that has been permitted to the State of Wisconsin, and we have concluded that there is no significant difference in terms of the operational methods of outcomes between the five collocated, shared staff facilities, the other five collocated facilities that employ a separate staff, and the five facilities which are considered stand-alone and employ separate staff.

We have confirmed from our review that at least one critical goal of the Federal act can be addressed without requiring absolute adherence to the mandate for complete physical separation of jails from juvenile detention facilities or by requiring a specific employee type. Without the flexibility to demonstrate the effectiveness of these alternative methods, we would not be in compliance with the program requirements, we would not be in the act, and Wisconsin residents would not have access to the tax revenue that they provided to help demonstrate effective juvenile justice projects.

Mandates, program requirements, core requirements, or whatever you call them, are important in establishing the overall goals and the objectives that you in this committee and that the Senate and House agree with that we should undertake to improve certain circumstances under which you are going to provide the funds to work with the States and work in the development of making significant changes. Yet, it makes sense to have local flexibility because not all of us operate the same way.

It makes sense to separate juveniles from adults and to provide for sight and sound separation. Physical separation, however, can be achieved through a variety of methods and need not be solely defined by building location. The real goals go beyond these physical standards and State progress should be measured in light of the broader goal, not only the most visible criteria. Mandates, whether they are imposed on the States by the Federal Government or by the States on unit of local government, always carry with them negative connotations. Mandates should reflect program goals and not be used to require specific methods, procedures, or statutory language.

Federal involvement in juvenile justice has a significant impact on how the juveniles are treated within that system and perhaps in the lives and futures of the youth who have been served. Although it has only been 3 years since Wisconsin has been able to use these grant funds for more than jail removal, the funds made available have been significant in moving in juvenile justice system forward and into very positive actions. We encourage you not to support efforts to mandate a specific percentage of these funds for private nonprofit agencies or to go to any one particular area in order to preserve that flexibility.

Senator Kohl, through introduction of the Juvenile Jail Improvement Act, seeks to address another concern, which is that rural areas are hampered to an extreme extent by the current 24-hour exemption that allows them to use the jail facility for that 24-hour period. The act, which has the support of both major sheriffs associations in Wisconsin, is intended to recognize that the current 24-hour exemption could easily mean a 72-hour period of time when you take into account the weekend and holiday exemption. It is ex-

pected that this provision could reduce the number of long-distance transports to secure detention centers for extremely short-term holds.

The final issue that I would like to address today is that of the impact of potential interpretations concerning the requirements for sight and sound separation, collocation, and shared staffing.

First, sight and sound separation has been established by the act as the standard for the detention of juveniles. This standard can be met through a variety of procedural and structural methods that do not require the development of separate buildings. These alternative methods include time-phasing and should be recognized as appropriate under the act.

Second, collocated facilities have been shown to be as effective as separate facilities in serving the needs of juveniles in secure detention and should be permitted under the act. Collocated facilities also permit the shared use of educational and recreational facilities that otherwise would not be available to juveniles. Third, and finally, shared staffing has been shown to be an effective staffing method and should be recognized as appropriate under the act.

Thank you again for this opportunity and I would be pleased to respond to questions. Thank you.

Senator THOMPSON. Thank you very much, Mr. Luick.

[The prepared statement of Mr. Luick follows:]

PREPARED STATEMENT OF RAY LUICK

Good Morning Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to address the topic of the federal mandates, or as they are now called, "core requirements," of the Juvenile Justice and Delinquency Prevention Act (JJDPA). My name is Ray Luick and I am the Administrative Officer of the Wisconsin Office of Justice Assistance, the state agency charged with the responsibility of administering the JJDPA as well as the Edward Byrne Law Enforcement Assistance Program and now the Violence Against Women Act. We also are the Statistical Analysis Center for criminal justice related data for the state. The Executive Director of the Office is Mr. Steven Sell who is an appointee of Governor Thompson. I report directly to Mr. Sell. Together the federal programs we administer provide $11 million to support much needed criminal justice and juvenile justice programs of which approximately $1.5 million are related to the JJDPA. Without these funds, states would not be able to support development of the new and innovative projects that are necessary to bring critically needed development and innovation into the system.

My experience in this field reaches back to 1973 when I was a Criminal Justice Planner under the Law Enforcement Assistance Administration. When the JJDPA was first amended to include the "jail removal mandate" I can recall quite clearly arguing the point that surely the federal government could not interpret that as meaning that juveniles and adults could not be held in the same building. As I was leaving the criminal justice field in 1984, I had been part of an effort to develop a proposal that would have created an exemption to that requirement based on a variety of conditions of confinement. As I entered a new position, the Executive Director of that Association and I met with officials of OJJDP to present this alternative, which was rejected and I lost touch with the program. It was really, therefore, quite amazing that when I returned to this field in 1992 that not only was this issue still alive but that the concept behind the alternative that I worked on in 1984 was the basis for our participation in the program.

We in Wisconsin feel uniquely qualified to address the issue of program mandates since we are currently in compliance with the requirements of the Act, in part, through the efforts of this Subcommittee, Senator Kohl, Representative Petri and the entire Wisconsin Delegation. Your efforts have permitted an exemption to the requirement that the staff of a secure juvenile detention facility be completely separate from the staff that supervise adult inmates. This exemption allows the sharing of jail/detention line staff between the adult and juvenile facilities under condition that the staff members receive specialized juvenile detention training and where

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they not work with juveniles and adults during the same shift. This issue is closely related to the topic of the "collocation" of juvenile detention facilities within the same building as an adult jail and the "sight and sound separation" restrictions that are also a JJDPA core requirement.

There are four specific areas that I would like to address today:

The need for flexibility in implementing the federal mandates or recognition that the federal legislation establishes the goals for a program and that the states can identify in their plans how they will measure success towards meeting those goals,

The importance of continued federal support for juvenile justice and criminal justice programs and the need to keep that funding free from mandated expenditure levels to any specific type of applicant,

Support for Senator Kohl's "Juvenile Jail Improvement Act," and,

The importance of provisions relating to "collocation, shared staffing and sight and sound separation."

FLEXIBILITY

Without flexibility in implementing the jail removal mandate, Wisconsin would not and perhaps could not be in compliance with the Act. Only the action described earlier created circumstances that have allowed us back into the Act.

I am pleased to report that, consistent with a condition on this exemption, which required OJJDP to submit a report to Congress (specifically, the Chairs of the House Committee on Education and Labor and the Senate Judiciary Committee) at the end of 1995, our agency conducted a review of these projects last summer. That study of 15 secure detention facilities (provided to OJJDP last fall) concludes that there is no significant difference in terms of operational methods or outcomes between the five collocated "shared staff" facilities, the other five collocated facilities that employ separate staff, and the five facilities which are considered "stand alone" and employ separate staff. We have confirmed from our review that at least one critical goal of the Federal Act can be addressed without requiring absolute adherence to the mandate for complete physical separation or jails from juvenile detention facilities or by requiring a specific employee type.

The consequences of strict adherence to the removal mandate in our case would have been the withdrawal of Wisconsin from participation in the Act or the expenditure of funds to support a mandate that did not necessarily advance the ultimate goal of the Act. Our interpretation of that goal is that juveniles who require secure detention should be held in a safe, clean and healthy environment and in an atmosphere where there are opportunities for positive influences on the youth—not to remove juveniles from buildings that house adults. Without the flexibility to demonstrate the effectiveness of these alternative methods, we would not be in compliance with the program requirements, we would not be in the Act and Wisconsin residents would not have access to the tax revenue that they provided to help demonstrate effective juvenile justice projects.

It makes sense to separate juveniles from adults and provide for sight and sound separation. Physical separation, however, can be achieved through a variety of methods and need not be solely defined by building location. The real goals go beyond these physical standards and state progress should be measured in light of the broader goal not only the most visible criteria. Mandates, whether they are imposed on states by the federal government or by states on units of local government, always carry with them negative connotations. Mandates should reflect program goals and not be used to require specific methods, procedures, or statutory language.

CONTINUED FEDERAL FUNDING

Federal involvement in juvenile justice has had a significant impact on the system, how juveniles are treated within that system and perhaps in the lives and future of the youth who have been served. Although it has only been three years since Wisconsin has been able to use grant funds for more than jail removal, the period before enforcement of the jail removal mandate and the period since the state was found to be in compliance have provided funding for a variety of program activities that have had a noticeable impact on the system as a whole. The funds available through the JJDPA provide the only flexible funds that are available to local communities. They have been put to good use and we hope that they will continue.

Since 1988, over 80% of the funds allocated to Wisconsin through the Act have gone to local projects rather than to state agencies. A significant percentage of these funds are awarded to private non-profit agencies either directly or indirectly through contracts from local units of government. It is critically important for Wisconsin that the current flexibility be maintained to recognize and preserve the role of local government in the process and not support individual projects that may not

have backing or support from the local unit of government. We encourage you not to support efforts to mandate a specific percentage of these funds for private non profit agencies.

JUVENILE JAIL IMPROVEMENT ACT

Senator Kohl has authored the Juvenile Jail Improvement Act in order to address an operational problem facing counties in Wisconsin and I am sure many other rural states. This Act, which we support, permits rural law enforcement agencies to use a juvenile portion of a jail to hold juveniles for up to 72 hours under certain conditions. This Act which has the support of both major Sheriff's Associations in Wisconsin, is intended to recognize that the current 24 hour exemption for rural areas excludes weekends and holidays—which could easily mean a 72 hour period of time. It is expected that this provision could reduce the number of long distance transports to secure detention centers for extremely short term holds.

COLLOCATION, SIGHT AND SOUND SEPARATION AND SHARED STAFFING

The final issue that I would like to address today is that of the impact of potential interpretations concerning the requirements for "sight and sound separation, collocation, and shared staffing."

First, sight and sound separation has been established by the Act as the standard for detention of juveniles. This standard can be met through a variety of procedural and structural methods that do not require the development of separate buildings. These alternative methods such as "time phasing" and should be recognized as appropriate under the Act.

Second, collocated facilities have been shown to be as effective as separate facilities in serving the needs of juveniles in secure detention and should be permitted under the Act. Collocated facilities also permit the shared use of educational and recreational facilities that otherwise would not be available to juveniles.

Third, shared staffing has been shown to be an effective staffing method and should be recognized as appropriate under the Act.

Thank you again for this opportunity and I would be pleased to respond to your questions.

Senator THOMPSON. Mr. William Woodward, Division of Criminal Justice, Colorado Department of Public Safety.

STATEMENT OF WILLIAM R. WOODWARD

Mr. WOODWARD. Thank you, Mr. Chairman. I would like to introduce in the audience the vice chair of our State advisory group, Mr. Pence, who is the former special agent in charge of the Denver FBI office and, as I say, vice chair of our local advisory group, and also Mr. Joe Tomey, who is a member of my staff managing this program in Colorado.

Mr. Chairman and members of the committee, I really wanted to talk to you about this because I was asking myself this morning why am I here. What am I doing here coming to this and actually——

Senator BIDEN. We ask that question very often. [Laughter.]

Mr. WOODWARD. I am sure you do. I appreciate that.

Senator BIDEN. But not nearly as much as our constituents ask it.

Mr. WOODWARD. This is $800,000 out of my $35 million budget that I manage in my office. This is a very small part of my office, so I was asking myself why did I bother coming here, and I really think it has to do with my family. I mean, my daughter at one time was arrested on a failure to appear warrant because she was a babysitter and signed for somebody's lost dog with a cop and didn't realize that when she signed that as a babysitter that she was going to end up having a failure to appear citation 6 months later, and when she ran a stop sign she got arrested and thrown in jail

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for 12 hours. Because I knew this act was in place at that time, I knew that she was going be safe because they would not hold her, and when she was going to be held, she would have to be held with sight and sound separation.

So I am really here not to talk about the violent offenders in many cases who will be direct-filed and placed in a jail—and this act doesn't apply to those violent offenders who direct-file—but I am here to talk about people like myself and families like myself across this country who will have kids held in jails. If these core requirements don't stay in place, they will have kids held in jail, and if those core requirements aren't there, there is a damn good chance those kids could be brutalized in those jails. So, that is why I am here. I finally figured it out.

I worked as a police officer for 12 years. I have been in riots, I have been in bombings. I have seen people blown up by bombs, and I know juveniles were involved in a lot of that. So I am not here to talk about being soft on crime or something. I think it is horrible. I have seen the victims of these crimes.

I previously owned my own business and basically the Federal Government put me out of business, and they put me out of business because of mandates, so I am not a great lover of mandates or core requirements. This is not why I am here. I was trained in the military as a police officer, so I want to be really clear that the reasons I am here are three things.

First, we have got to maintain these core requirements. The core requirements are the most important part of this. I think there ought to be a good-faith exception to them because I agree with some of the things that were said earlier. There are problems with enforcement. There should be a good-faith exception to some of them, but they have got to remain. They are almost like a vaccination. You know how you got your vaccination 20 years ago or 15 years ago; you don't have to think about it anymore.

What is happening now is that there is a tendency, because we haven't had enough kids who have committed suicide in jails or been brutalized in jails, to sort of forget about these core requirements. That is, I believe, the major reason you have not had those suicides. We have had one in Colorado in 15 years. That is the reason we haven't had a hell of a lot more, but because it has been so effective, everybody has forgotten about it, and so too with vaccinations. Because vaccinations were effective, people forgot about them.

So I just want to talk about three things—maintaining the core requirements, ensuring that the act allows for us to work on violence reduction, and ensuring that the act allows us to work on prevention of violence. In Colorado, we had 6,000 kids held in jails in 1981; last year, 68—6,000, down to 68. I think that is really important.

Now, with my yellow light, I will talk much faster. I see how that works now. I am sorry. I didn't quite understand that.

Senator THOMPSON. Nobody pays much attention to that anymore. [Laughter.]

Mr. WOODWARD. All right, good. Thanks.

It has been postulated that the States can sort of do this on our own, and we had a law in effect on sight and sound separation and

still have that law in effect right now, but we had an overcrowding crisis show up about years ago. What was the first thing that people went into the State legislature for to get rid of? Well, let's get rid of sight and sound because that is hurting us in terms of overcrowding. Well, if the act hadn't been in place, we would have gotten rid of sight and sound, and more kids, like maybe my daughter or somebody else's daughter or son might have been hurt in one of those jails.

Some people say it is cost prohibitive. I spend like $100,000 out of $800,000 a year to maintain those core requirements. I mean, this is not cost prohibitive, in my opinion. I have heard others say that we should just get it as sort of a block program, sort of a freebie. I guess that is what that is. I think it would be nice to get something for nothing. Gee, I would probably take it, I guess, if you wanted to give it to me, but I want to make the point that I think it is the right thing to do. If you don't have those core requirements in place, as I said earlier, then I think we are going to lose the opportunity to maintain something that has been very important to us and had really kept us from going backwards.

I also believe that there should be good-faith exceptions to some of these requirements. I would be willing to talk about that with anyone on staff or other members of any of these panels because I do believe that there should be ways for the administrator of this act of say there was good-faith effort to maintain these and these problems happened and there should be a good-faith exception.

The good things that have happened that have come out of this act—I can't believe it. This act helped pay for some pilot restitution programs where some violent kids were involved in these restitution programs and other kids were involved. It was a pilot program, and what happened? The State legislature turned around and put another $1 million into it. After we paid a couple hundred thousand to sort of get it going, the State legislature said, boy, this is great, and turned around and put $1 million into these restitution programs.

So what I am saying to you is the core requirements should stay, and the county sheriffs of Colorado—for example, in my testimony you will see a position statement of the county sheriffs of Colorado on sight and sound separation and on jail removal. The county sheriffs of Colorado support this. The National Association of Counties supports these core requirements, I was told this morning.

In summary, I believe a balanced approach that includes the core requirements, focusing on juvenile violence, trying to stop violence, and focusing on prevention, which is another major program we got started out of this money, is absolutely essential.

Thank you.

Senator THOMPSON. Thank you very much, Mr. Woodward.

[The prepared statement of Mr. Woodward follows:]

PREPARED STATEMENT OF WILLIAM R. WOODWARD

Mr. Chairman, members of the committee. Thank you for the opportunity to address you concerning the reauthorization of the Juvenile Justice and Delinquency Prevention Act. I believe that I am able to present you with a unique perspective on the Act and its' implementation. For the past 10 years, I have been the director of Colorado's Division of Criminal Justice in the Department of Public Safety, a 35 person agency responsible for working with communities to develop crime preven-

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tion and public safety programs. I worked as a police officer for 12 years. My experience included work as a street officer, detective, lieutenant and captain. During that time I saw numerous bombings of buildings. I was in riot situations. I saw four deaths by bombs. In most of these situations juveniles were a big part of the action. Previously I owned my own business in the late 1960's and lost my business because of federal government regulations and mandates. I was trained in the armed forces military police. So I am not here to tell you to be nice to juveniles. I am not here to tell you how much I love federal mandates. I am not here to whine.

Violent crime is a major problem for this society and especially for it's victims. My office sees the victims of juvenile violence. We are the state agency responsible for investigating complaints alleging violation of our state's constitutional amendment protecting victims. We also fund many programs which treat victims of violence perpetrated by juvenile offenders. We see the results of crimes caused by juveniles.

We also fund many police, sheriffs, and district attorneys law enforcement efforts through our Edward Byrne Memorial Drug Control and System Improvement grant program.

I only tell you about these programs in order to put my testimony into context. I believe the Juvenile and Delinquency Prevention Act can co-exist and flourish with other programs which emphasize holding juveniles accountable. In fact, I see the Act as a major partner in getting control of the juvenile violence problem without doing violence to juveniles. And this is the special purview of the Act. I think we have a special responsibility to juveniles to avoid doing additional violence to them as we hold them accountable for their actions. In fact I must say that the act has done such a good job, that some even say that we don't need it anymore.

As President of the National Criminal Justice Association, the current official position of the Association is to continue the act as it is currently in law. If this changes, we will advise you. The rest of my comments are based on our own state's experience.

In general, we like the act. While it may be hard to implement and we may have problems from time to time, I must say I believe that it has done its job. We have gone from 6000 juveniles held in adult jails in 1981 to 68 last year. In fact, the act has done such a good job that I am greatly afraid that many take it for granted. There is a sense in the following comments which I have heard that it is no longer needed. We already take too many things for granted. We take for granted that our water will be uncontaminated, that our children will be protected from major illnesses, that the air will not kill us. But there are major systems in place to insure that these things will not happen. They include health services, air monitoring stations and water treatment plants. Without these systems in place many would suffer. So it is with this act. The act's work has become infrastructure that some think we can ignore. I will review these "ignore the act" comments below. I worry that our juvenile justice infrastructure will suffer if we allow this act to go "down the tubes".

Let me tell you what I have heard others say about the act and my response to those allegations:

1. It has been postulated that state laws can handle the requirements of the act.

Response: In my state we have a law which parallels the sight and sound separation requirement of the act. Two years ago, in a time of an overcrowding crisis, many wanted to do away with the sight and sound separation requirement of the Colorado law.

If the federal statues and guidelines concerning sight and sound separation had not been in force, that law would be gone today. And I believe many children would have suffered. You must maintain the requirement for sight and sound separation. I believe that having adults in proximity to juveniles only increases the risk of violence being done to the juvenile, increases the risk that the juvenile will commit suicide, and exposes public safety and law enforcement officials to substantial liability.

2. It has been claimed that it is difficult to meet the requirements of the act and compliance is cost-prohibitive.

Response. Our state has met the requirements of the act at minimum cost. I will not say that this is easy, nor will I say that once met, it is easy to continue meeting the requirements of the act. It is not always simple. We must be aware of changes in personnel, policy and performance in every jail and lockup in the state most of the time. This is a cost to us. But what is the benefit? As a former businessman, I always look at the cost/benefit ratio. The benefit is that we have had very few juveniles injured in Colorado in the past 10 years while in a jail or lockup. We have had no juvenile suicides in jurisdictions which comport with state and Federal law and have had only one suicide statewide since our participation in the act began in 1978. In my opinion the suicide rate in Colorado would have been substantially

worse if the Act and it's core requirements did not exist. Law enforcement officials and jail administrators in Colorado overwhelmingly denounce the placement of juveniles in their facilities, and look to the Federal Act as part of the rationale needed to sway local policy makers on this issue. The Colorado Sheriffs Association just developed a policy statement supporting the Act's provisions on juvenile offenders in adult facilities.

Also, the cost for the State to maintain a compliance and technical assistance problem at less than $100,000 year is substantially cheaper than would be required to settle one class action lawsuit in a community where a juvenile was injured by an adult in the same facility.

Other benefits Colorado has seen include:

Enhanced training of line staff and supervisors regarding juvenile processing;

Responding to the separation and removal requirements of the Act was often many communities' first foray into community-based planning and system-wide plan development;

My agency is seen as a technical assistance resource by communities, rather than merely a regulatory enforcement agency, because of our interest in using the core requirements as a mechanism for outreach; and

Responding to the core requirements, communities have developed many related improvements as a natural consequence of creating a graduated series of sanctions for juvenile offenders and developing a cadre of alternative placement options.

3. I have heard others say that it should be simply a block grant program.

Response. It would be nice to get something for nothing. So I must say that we would take your block grant program if you made it into one. It would be nice not to have to think about keeping juveniles safe from predators. It would be nice not to have keep them separate. It would be easier to collocate them with adults. But it wouldn't be the right thing to do. There should be a quid pro quo for federal dollars when the public good outweighs state's rights. In this case the public good of keeping juveniles safe when they are in our custody outweighs the need of the state to have freedom to spend money however it sees fit. We must remember that most kids will violate the law before they reach age 21. In fact, based on data from the Center for the Study and Prevention of Violence, at the University of Colorado, Dr. Del Elliott states that 30% of all males will commit at least one violent crime before the age of 21. With almost one-third of our male children committing violent crimes, there is an excellent chance that many of them will end up in a jail or lockup. Without the act, many of these may well be brutalized and hurt. This public interest to keep our kids protected while in custody, outweighs the need for the state to exercise it's rights.

In essence, the JJDP Act Formula Grants program has become a block grant in Colorado, but one which requires some standards of integrity attached to ensure the original intent of the program continues to be pursued. After a decade of hard work, State and local officials have collaborated on a series of trainings, standards, state laws, policy statements, and programs which ensure that localities have access to a wider range of interventions for juveniles than merely adult jails. With compliance in place, the state has made itself responsible to ensure that problems do not arise, and localities are able to use the formula grant dollars to pursue a wider variety of juvenile justice and delinquency prevention programs—much like a block grant.

4. It has been hypothesized that states will continue to pursue the act's vision if the requirements are eliminated.

Response. I do not believe this. If there were not so much pressure within states to do otherwise, then maybe. But people have forgotten how kids got brutalized in jails. The act has been so successful that people think there is no problem today. It is like vaccinations. Many thought for a long time that there was no need to vaccinate our children anymore because no one was getting sick from diphtheria or tetanus or measles or polio. Now as the childhood diseases begin to reappear, most schools now require shot records for children. The same applies here. People have forgotten what happens to children in jails and lockups. The problem is that if we make a mistake with a shot, perhaps a child gets sick. If we make a mistake with sight and sound separation, children can be killed.

In any event, a state need not now take the money for the act and can avoid the key requirements if they see fit. But if they wish to have the money, perhaps for new and innovative purposes, then I believe they must live with the infrastructure of the JJ System and protect these children from violence. I think the federal government serves as a valuable partner to the states when it can keep states from making bad decisions in time of crisis and hurting children as a result.

Further, Federal litigation on behalf of youths whose rights were violated while detained in an adult facility consistently sides with the plaintiffs class. However, the

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jurisdiction of these lawsuits is confined to the District in which the case was heard. As such, there is no national/Federal case law precedence yet confirming the validity of these requirements. The Act stands alone as the standard which we use in Colorado to impress that there is a continuing National, state, and local interest in pursuing these requirements.

5. Many wish to redirect the money to violence intervention and prevention only.

Response. As I mentioned earlier, I have seen a lot of violence in my career. So I understand this comment. And I agree that violence intervention and prevention should be a new improved focus for the act. But I do not agree that in order to work on violence intervention and prevention for offenders, that we should allow violence to be visited upon these same offenders. Remember most of these offenders will not be violent. Most will have committed a minor offense. So without the core requirements, we may well relegate them to being hurt or killed simply because we were too busy looking for violent offenders to arrest or incarcerate. This is not the correct way to operate the criminal justice system.

6. A myth exists that the focus of the Act is too narrow—that its design requires focusing solely on the core requirements.

Response. In Colorado, compliance with the core requirements has allowed the state planning agency and state to move into areas of public safety and offender accountability. For example, from 1989 to 1992, the SAG and Division of Criminal Justice developed four pilot restitution programs with outcome and process evaluation. The legislature was impressed with the program design and appropriated one million dollars to bring the initiative statewide. As a result, more than a half million dollars in victim restitution and 67,000 hours of unpaid community service work was provided with a 7 percent recidivism rate.

Colorado has also piloted other successful programs, such as school based delinquency prevention, intake screening units, and more. In 1991, the legislature passed SB94–Juvenile Service Bill, which was built in part on the foundation of the intake screening initiative funding through the JJDP Act program.

In summary, we pursue a balanced approach to policy and program development in all parts of the justice system in Colorado. We are moving to balance prevention, intervention, and treatment in programming, and ensure that programming itself balance offender accountability, treatment, and victim restitution. The JJDP Act has served as a philosophical mode in that regard. We believe that the act as written has many valuable and important requirements. All should be preserved in a form which balances the needs of the state to go after violent offenders and prevent violent crime while at the same time insuring that we do not allow additional violence in our system. Thank you.

Senator THOMPSON. Chairman Hatch has joined us. Do you have any comment or statement to make, Mr. Chairman?

Senator HATCH. I am just glad to be here. I can't stay very long, so I want to apologize for that, but I want to compliment you, Mr. Chairman, and your ranking member for the work that you are doing in this area. This is one of the most important areas in our country right now and in the Congress, and I just want to encourage you to keep it up and keep doing the good job you are doing.

Senator THOMPSON. Thank you.

Senator HATCH. Could I submit my formal remarks for the record?

Senator THOMPSON. They will be made a part of the record.

Senator HATCH. Thank you.

[The prepared statement of Senator Hatch follows:]

PREPARED STATEMENT OF HON. ORRIN G. HATCH, CHAIRMAN OF THE SENATE COMMITTEE ON THE JUDICIARY, A U.S. SENATOR FROM THE STATE OF UTAH

FUNDING YOUTH VIOLENCE PROGRAMS: SHOULD THE STRINGS BE CUT?

Mr. Chairman, I would like to join you in welcoming this outstanding slate of witnesses assembled here today. It is a privilege to discuss juvenile justice issues with people who are devoting their time and talents to working with our nation's troubled youth.

Today's hearing is going to examine the problems related to the so-called mandates placed on the States in order to qualify for formula funding under the Juve-

nile Justice and Delinquency Prevention Act. These mandates were developed as a result of a well-intended, but somewhat misguided philosophy that preaches that children should be rehabilitated, not punished.

I agree, as I'm sure most of you do, that children should be rehabilitated whenever possible. But compassion is not synonymous with leniency. Our juvenile system must be compassionate, but it must also dispense both justice and learning. And, part of any serious rehabilitative effort is fair punishment.

Juveniles who commit violent acts must be held responsible for those acts. We do our youths a disservice, in my opinion, if we give them no more than a slap on the wrist when they commit a violent offense. In my view, this is false compassion. What is the lesson learned?

To demonstrate the severity of the crisis we are facing, let me cite several disturbing statistics provided by the FBI's most recent report of "Crime in the United States" [November, 1995]: Over the past decade, the rate of homicide committed by teenagers, ages 14–17, has more than doubled, increasing 172% from 1985 to 1994; 35% of all violent crime is committed by offenders younger than 20 years of age.

These statistics are deeply troubling to me. It is my firm belief, and these statistics bear it out, that juvenile crime is of a very different type than what we knew previously.

Today's juvenile criminal, for example, is far more likely to be a murderer than was his counterpart 20 years ago. Drug use among teens, a significant factor in violent crime, is on the rise again, after nearly a decade of steady decreases. And gang offenses, the scourge of many communities, have dramatically increased.

In my hometown of Salt Lake City, Utah, for example, gang activity has become more and more prevalent. In just one case, a 17-year old youth was tried and convicted of the gang-related beating and shooting death of another teenager. His victim's supposed offense? He happened to be wearing red, the color of a rival gang. Before committing this brutal murder, the killer had racked up a record of five felonies and 15 misdemeanors in juvenile court. [Salt Lake Tribune, 12/12/95.]

Our laws and programs have not kept pace with the changes in juvenile crime. For instances, the Juvenile Justice Act requires that states look to alternatives to incarceration, without regard to the offense committee by the juvenile.

I believe that we must also focus on the safety of those children who do not break the law. We must not forget that our failure to adequately punish violent juveniles leaves them free to prey upon other children.

After all, this is not just a juvenile justice problem we are facing—it is a violent crime problem. Juveniles should be held responsible to society and to their victims by the criminal justice system. Allowing violent offenders to be released simply because of their age is just not responsible.

In Utah, in response to the increase in youth and gang violence, we have changed our youth corrections mission statement to specify that public safety must come first. We are in desperate need of building new secure facilities to house violent offenders. One of Utah's secure facilities is Deker Lake. It is currently 40 percent over capacity and is double bunking juvenile offenders.

Restrictions in the Juvenile Justice Act, however, restrict the number of beds allowed in one facility, so expansion is not an option. An entirely new facility has to be built and staffed to meet the requirements of the Act.

We must also do a better job separating the violent offenders from those juveniles whom we can help. While the Juvenile Justice Act claims that its solution to the problem of juvenile crime is prevention, intervention and treatment programs, 75 percent of the funding must be used for compliance with mandates, leaving very limited funds available for prevention programs.

Although Utah has been in compliance for 10 years and is therefore better able to use its money for prevention programs, many States are not so fortunate. [Note: Utah FY 95 received $603,000 for compliance, $80,000 for State Challenge Activities, and $124,000 for Title V programs]

There are four major mandates, and countless regulations attached to the formula and incentive grant money. As Utahn Camille Anthony can testify, this money has more strings than a symphony orchestra. Federal requirements dictate everything from who must sit on the State Advisory Committee, like youth currently under the supervision of the juvenile system, down to allowing juveniles in secure facilities to "exercise reasonable freedom of choice as to personal matters such as hair length and selection of friends." These requirements create numerous burdensome hoops that States must jump through in order to receive the limited funds available under the Act.

Many localities, and at least one State—Wyoming—have opted out of federal funding and have instead chosen to rely on state, local and private contributions to develop local solutions for non-violent youth offenders.

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Indeed, at the last Youth Violence hearing we heard from witnesses who had established effective youth programs from state, local and private funding sources, including the PAL program in Delaware. A very successful work camp in Utah called Genesis receives no federal funding except for a small vocational grant that will be started this year. The center is for juveniles who have been found delinquent, but non-violent, by the courts. The juveniles are required to perform community service activities during their stay. This allows them to learn a practical skill while being held in a detention center.

The government is not the sole font of wisdom for confronting this crisis. Indeed, we must look beyond the government to rescue this generation from crime and violence. By removing the mandates from the formula and incentive grants and distributing money by block grants to the states, the federal government encourages local solutions to local problems.

If states need money to increase bed space for secure facilities, like Utah does, then they should be able to use the money for that purpose. If states want the money to develop more services for delinquent, but non-violent offenders, then they should be free of the requirements imposed by the Juvenile Justice Act.

We must also look to our communities and our civic and religious organizations. I am intrigued, for instance, by a recent report by the Heritage Foundation on the impact of religion on social stability. In its research, Heritage found studies showing a high degree of correlation between religious involvement during adolescence and avoidance of criminal behavior. I think this comes as no surprise to those of us who have raised children.

Government, rather than hindering the ability of its citizens to create an environment in which parents can share religious values with their children, should stay out of the way.

I know that our witnesses will be addressing these issues. I want to say, Mr. Chairman, that convening this hearing is just another indication of your extraordinary work in the Senate and on the Judiciary Committee. I know we will take back important information and perspectives on this issue. I look forward to the testimony of the witnesses.

Senator THOMPSON. I would venture to guess that most of these so-called mandates or requirements, in principle, are agreed to by most people: the concept generally to deinstitutionalize status offenders, the concept of sight and sound separation, the concept of removal of juveniles from adult facilities.

I would be interested to have your response briefly as to whether or not you think, if those specific black-letter law requirements were lifted, whether or not States, in general, or your States specifically would not adhere to those concepts.

Mr. Oedekoven.

Mr. OEDEKOVEN. If I may, as you term it, the separation in the mandates—Wyoming would still comply in general terms. It is the interpretation of those requirements that presents the problem. Most of the jails in the State of Wyoming are fairly new. Most of the jails at the time they were built had a separate area for juveniles. The problem is that in the strict interpretation, that separate area—if you walk down the hallway to get to that and you in any way happen to be viewed by an adult inmate, you are no longer sight- and sound-separate.

As I alluded to in my remarks, if we have a person in a separate area that opens the door and they open the door for the adult, they cannot then in the same shift open the door for the juvenile. It is the strict interpretation of those requirements, not the basic philosophy of the requirements, that we have a problem with.

Senator THOMPSON. Mr. Carson.

Mr. CARSON. I would say you would see our State do everything they could to comply with that, but by the black letter of the law, the same thing that the sheriff alluded to would happen to us. As far as us holding status offenders, we would never want to do that.

It is a problem now. Tennessee, as you know, has just come out from under Federal regulations on the jails. We cite and release all the adult offenders we can. There is no way we are trying to hold status offenders, but we do need a place to put those offenders to get them started in the system.

I think what we lose is the time of the act to the time that help arrives, and I think what you have seen in police officers in the last year—I don't think you have the real numbers of what you are dealing with because police officers will ignore juvenile crime until it is so serious that they have to deal with it because they do not want to become the babysitter. They have become so frustrated and they feel their efforts are fruitless, they do not want to drive them home and they do not want to hold them and try to find the parents. I don't think you have a very good number.

Most of the things, I think, we look at today—it is easy in the news and the media. A good kid goes bad and commits a grave act, but I think with 98 percent of the children, you see a series of acts before he gets to the serious crime. If intervention comes early, we stand a better chance, I think anyone would tell you, of correcting the behavior, other than to ignore it until it gets to that point. I think Tennessee would comply all they could, but they do need relief from some of the sight and sound specifics to at least allow us to get back in the business. We are essentially out of the business.

Senator THOMPSON. Mr. Luick.

Mr. LUICK. I think in Wisconsin we have codified the jail removal mandates in administrative rules based on the exemption that we currently have that has allowed us to remain within the act. I don't see any short-term success in efforts to roll that back to the point of using adult jails for housing juveniles, but it is because we have had the exemption, we have had the practice put in place, and we have had the ability to design the facilities and the programming, the conditions of confinement, that have been so important within the 15 detention centers that we have. I think what we really have looked at as a State is saying that it is the conditions of confinement that we need to put in place that we have enacted administrative rules governing and that we feel an obligation to maintain those.

Senator THOMPSON. Before I get to Mr. Woodward, could I ask you a little bit about that exemption? As I understand it, you got an exemption which allowed you to have a facility that was within an adult facility and to use the same staff if that staff were properly trained to handle juveniles.

Mr. LUICK. Yes.

Senator THOMPSON. What exactly was that exemption? Have I stated it correctly? That was the exemption you got?

Mr. LUICK. Yes.

Senator THOMPSON. And what did it take to get that exemption?

Mr. LUICK. What we needed to do was to design a curriculum for providing additional training for correctional officers who would work serving both juvenile and adult residents within a facility. It was under the condition that an individual who was properly trained not supervise adults and juveniles during the same shift. So if you started out your day supervising adults, you could not be moved in the juvenile section.

Senator THOMPSON. Did you otherwise still have total sight and sound separation?

Mr. LUICK. We maintain sight and sound separation through procedural means. We will black out windows that lead into a gymnasium facility, for example. We will have corridors that will not intersect and we will clear corridors when juveniles are going to be moved from one portion of the building to the next.

Senator THOMPSON. Without the exemption, could you use the same corridor even if physically the adults and juveniles never were there at the same time?

Mr. LUICK. The circumstances get so specific to a given facility that I don't want to give a real specific answer to that. The real issue that we were trying to deal with over the years that led to this exemption was the definition between what is a stand-alone facility, what is a separate facility, what is a collocated facility.

There was a point in time that the discussion went to that a separate facility was one that you could draw a line through, draw a saw through, and it was separate. We didn't think that that was necessary. We didn't think that was appropriate. We said we can accomplish the same thing with the staff training, with policy development, and the proper supervision of it.

Senator THOMPSON. How long did it take you to get that exemption?

Mr. LUICK. Well, from the time——

Senator THOMPSON. Of course, without Senator Kohl, I understand it probably never would have happened.

Mr. LUICK. And we certainly do appreciate that. It took approximately 4 years, I believe. There was a period of time when I was involved in the early 1970's in criminal justice planning just as the mandates were coming about. In the early 1980's, I got out of the business for 12 years, got back into it, and we were still discussing these same issues.

Senator THOMPSON. All right, thank you very much. Mr. Woodward, back to my original question, or that one, or whatever else you would like to comment on.

Mr. WOODWARD. Thank you, Mr. Chairman. We also have a collocated facility with the same kind of problem. We needed an exemption from the OJJDP. We ended up getting that exemption in about 2 months and we had the same kinds of problems, but I would say that they were very fast in providing that exemption to us once we were able to show that kids could be held separate, could use different corridors. Literally, we had to show them how each corridor would work.

I think that is very important because what we later discovered was that the reason for that is not so much that a juvenile can't see an adult, you know, a block away outside the building. It is, rather, than when that juvenile is in close proximity to an adult where an adult could yell at them, you know, well, you look like you would be good jail bait or meat, or whatever, or yell at them, you know, what kind of a puke are you, or yell at them other kinds of things, it is very demeaning to a kid in that kind of a situation.

So the reasons for keeping them separate, I think, are really good reasons. Just a single comment like that—you can end up with a kid committing suicide even when you have a suicide watch

going every 15 minutes. It only takes a minute or two to commit suicide, and you can look at that person every 10 minutes or 15 minutes on a shift and still get a suicide. So I believe that there should be good-faith exceptions and it shouldn't take 4 years to get a waiver, but I also believe that that can be done.

Senator THOMPSON. What does the police officer in Wyoming do late at night and he picks up a juvenile, either one who has been a chronic runaway and troublemaker but has not violated any crime yet, or one who maybe has violated the law? Regardless of the nature of that individual or the nature of his activity or how long it has been going on, there is no good-faith exception that he can rely on there. He might take a chance and hope later on that somebody might approve of it, but he is looking at a serious lawsuit in his own mind, probably.

Everybody kind of agrees on the principles and everybody kind of agrees that there ought to be exceptions and leeway and all of that, but as a practical matter, how do you really do both?

Mr. WOODWARD. Are you addressing that to me?

Senator THOMPSON. Yes.

Mr. WOODWARD. OK, thank you. I will give you an example. We are a pretty rural State ourselves, Colorado is, and we have several programs where we have sent out our juvenile justice person to that program and they have basically worked with other programs in the community to take that to that kid for a short period of time so that the sheriff will not have to deal with them. A social service agency might take them or we might have a private nonprofit safe house or we might have a private nonprofit victims program that might take them that could hold them staff-secure. I think there are ways to work those problems out, but it requires us sending a staff person into that community to find those kinds of options and then to maybe help pay for them.

Senator THOMPSON. Private options, in other words.

Mr. WOODWARD. Very possibly, yes, sir.

Senator THOMPSON. My time is up, but I will allow Mr. Oedekoven to comment.

Mr. OEDEKOVEN. If I may, you asked what is the option or what lies for us. Our approach is fairly simple, and that is that the courts, the judge, has some of that authority and ability and say-so. We rely on his opinion and expertise. Sometimes, we call them in the middle of the night and say, your honor, what would you like to have us do with this child or this young person that you have issued a warrant for and what do you want us to do now? A lot of times, they will say release to the parent.

We have several communities that have youth crisis centers, or nonprofit or publicly funded facilities. So we rely on the courts. That is one of them. That is who has, according to the act, a lot of jurisdiction over the juvenile. Certainly, the judge can look in his community and say what are my options; I know this person; I have dealt with him several and many times; it is now time that they spent Friday night in their room quietly without TV. And they deem their room to be my jail.

As we talk about liability, part of the dilemma is, of course, the judges are immune. The sheriff is not. That bothers me tremendously, since I am one. When I house a juvenile within my facil-

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ity—and we talk about good faith. Good faith is only limited by the means and ability of someone else to decide you violated it, and thus you should be sued, not whether it was right or wrong, but whether or not you will get sued.

So I would offer that the courts certainly can provide some oversight in each and every community as they deal with the problems, so can the county prosecutor. In our case, we don't just willy-nilly throw kids in jail. The county prosecutor is involved in each and every instance and can decide, as well as the courts. So I would offer those are at least two very viable options for all of rural communities and gets the officers, first and foremost, back on the street where they need to be.

Senator THOMPSON. Mr. Luick.

Mr. LUICK. We have a sheriff in Wisconsin who was besieged with problems of staffing when he needed to transport a juvenile. In his case, it was approximately 85 miles one way to an approved detention facility. With the COPS funding that he received last fall or last summer, he was able to put on an additional deputy and create a home detention program that cut the number of secure detentions from his county from approximately eight or nine down to one or two within the last 6 or 8 months. So there is a creative way that they have used other Federal funding to try to accomplish these same goals.

Senator BIDEN. Thank you very much. [Laughter.]

The chairman looked at me when you were speaking and said "set up."

For the record, will you acknowledge we have never met?

Mr. LUICK. We have never met before this day, Senator Biden, never.

Senator BIDEN. Let me begin by saying all four of you—I am impressed by your testimony. You stated the real problems; they are serious. Mr. Woodward, it might not surprise you to hear me say that I think you have said the most important thing here today, and that is that I have been here long enough to remember when we held hearings about the number of rapes, the number of violated young men, seldom women because there were not that many, who were totally, totally innocent by anybody's standards of anything other than a childish prank.

In my view, it is like I said in my opening statement, no one ever believes that the kid who is playing pool or basketball at the boys club and not in trouble might have been in trouble had there been no boys club. So it is a hard thing, but what we are seeing here is a frustration that is real.

I don't have any closer relationship than I have with the sheriffs and the cops, as I suspect both of you know, both of you who are in law enforcement. Once again, I think your problem is real. I think it is real, I think it is genuine, and I don't know a whole lot of cops who want to throw some kid who they know is not a real problem in jails that they would not want any part of being in, whether they were known to be cops or not. So you all come with good faith.

One of the things I want to clarify, or I would like to clarify a little bit anyway—you represent four different States here, and if you can give me a yes or no, it would be helpful. If you need to

elaborate, please do, but in each of your States can you tell me whether or not your State legislature—and you may not know; I suspect you might—in the recent past, the last 6 months to 3 or 4 years, has toughened the law relative to juveniles as it relates to under what circumstance a juvenile can be treated as an adult?

We all know that what we are talking about does not apply to a circumstance where the legislature has concluded—in my State, we call them competency hearings, where a juvenile, whether they are 17 or 14, under State law is treated as an adult, and that is for purposes of the State statute.

We will start with you, Mr. Carson. Has your State of late changed the law relative to what constitutes being able to be tried in an adult court?

Mr. CARSON. I think it has changed the age limit and it is specified on some of the more serious crimes, such as murder, rape, robbery.

Senator BIDEN. How about you, sir, in Wyoming?

Mr. OEDEKOVEN. Yes, it has.

Mr. LUICK. Yes, it has.

Mr. WOODWARD. Yes.

Senator BIDEN. I don't think you are an exception, any four of the States. Almost every State in the Nation has—and I am not criticizing, I am not commenting—taken an awful lot of those juveniles we are most worried about out of the mix in terms of what we are talking about here, and that was your point, I thought, Mr. Woodward, in the beginning. So we are primarily talking about juveniles now in each of our States who, I think, in most circumstances—there are exceptions to every rule—in most circumstances, are the nonviolent juveniles, or at least juveniles not accused of serious violent crimes. There are exceptions, but in many of our States—let me put it this way. The trend in all the States is toward taking them out of this mix and putting them in the adult stream for purposes of treatment.

The second question I have for you all is, is there any disagreement among you as to whether or not the principle of separation of adults and juveniles is a good one? I am not questioning those who might disagree at this point. Do any of you believe that this is a misplaced liberal anachronism that is just hanging on there and is no longer needed, that it didn't make sense in the beginning, or if it did, it doesn't make sense now, the principle of separating juveniles from adults in terms of sight and sound, not how we draw the line about sight and sound, but the principle? Is there anybody who disagrees that this is a needed provision in the law, whether it is generated by the State, the county, or the Federal Government?

Mr. CARSON. No, I wouldn't disagree with that.

Mr. OEDEKOVEN. I would not either and would add that it is very appropriate. It is even as appropriate as we deal with all other inmates as we separate our other classes of inmates from each other, the violent from the non-violent. We certainly should separate juveniles from adults.

Mr. LUICK. I agree with that.

Mr. WOODWARD. I agree.

Senator BIDEN. Now, again, I didn't doubt you all agreed, but I think it is real important to state the record here because what happens is in our—and I am not suggesting anyone on this panel shares the view, but I know, for example, when I go home and I sit in a town meeting, the frustration and anger of the people is so real. They are so frightened; they are so justifiably, in my view, concerned about the nature of the violence and those committing the violence being younger and younger that there is a real call of the question.

We will have some among us in the legislative branch who will argue that the principle itself is just some soft-headed liberal kind of notion that separating them—that doesn't really happen to kids when they get put in. I can hear people now, Mr. Woodward, on your comment about—I mean, I promise you, at least as it relates to my State, if anybody was watching this when you said it could be damaging to a kid if some 6 foot 2, 200-pound guy walking by said, hey, baby, looking at another man, a 16-year-old boy—hey, baby, you would be great, that that could affect them. They say, these guys are all the same; that is not going to affect anybody; what does a comment mean. So I am sure that there are some in my State who have already labeled you a little soft.

But all kidding aside—and I am very serious about it and I would like to hear what you have to say, sir—I think it is important that we at least state for the record not that there shouldn't be change, but the principle still holds and that it is important and it makes a difference.

Yes, sir, you wanted to say something?

Mr. OEDEKOVEN. I agree, and would also add that it is the bureaucratic interpretation of what is separate in sight and sound that is viewed. In Wyoming, we recently passed a statute that says juveniles will, statutorily, be kept separate. When the Attorney General reviewed that in terms of can we comply with the OJJDP interpretation of sight- and sound-separate, clearly we will not, but we will clearly have our juveniles separate.

Senator BIDEN. That was the third general proposition I wanted to get to. Is there any disagreement among you that at least in some instances, there has been bureaucratic overload here? Whether it takes 4 years or 2 months, there should be a much more streamlined method by which people acting in good faith are able to accommodate on a reasonable timeframe and a reasonable interpretation that they are complying, even if it means something as simple as erecting a curtain along a hallway.

I mean, from my standpoint, I don't think—and I was here when we wrote this. From my standpoint, I don't think any of us ever thought that the idea that you would have to construct an entire new facility at a different place and that you would have to walk out a door and out through a parking lot and around to get there was what we meant. We did mean, though, at the time what you are talking about, Mr. Woodward. We didn't want your daughter walking down a hallway and 2 or 3 women inmates going by and patting her on the rear end/and or saying, hey, honey, I will be around, or whatever. That is what we didn't want. But if you put a curtain down a hallway, that in and of itself can go a long way.

So it seems to me that as we try to quote, "fix the problem," we don't over-fix it in our effort to fix a real problem.

My last question is, sheriff, you and your colleagues around the country—where I come from, it matters whether somebody is a sheriff, and I mean that sincerely. In my community, they have significant political, in the best sense of that word—not partisan, but political impact because they are the ones out there. They are the folks out in the street and they do not act, as they may in your jurisdiction, as sheriffs in the sense that they are State troopers or they are county police. They have law enforcement functions, but they are more ministerial than they are actually going out making arrests.

I hear your concern that you may very well—notwithstanding a judge telling you to take him or her to such-and-such a cell, that you may be held liable. Could you all give me some sense, and you, Mr. Carson, as well, as to how often, in reality, that dilemma strikes an individual officer? How often are you really in the circumstance where you have a kid who is not accused of a violent crime that would classify them as being able to be treated as an adult offender in your State, and you are riding along, or one of your employees is riding along with that kid sitting in the back seat of the patrol car and thinking, oh, my God, I don't know what to do with this kid? How often does that really happen, for real?

Mr. OEDEKOVEN. I would offer virtually every night in our community, because one of the diversionary tactics that we have taken in the course of all of this is cite and release. So we have a juvenile who is 15 years of age who is in a car with other kids who are drinking, who is not stumbling down drunk, and we cite and release them, and their parents may or may not ever find out. There are steps in the process to ensure——

Senator BIDEN. Now, why would their parents not find out?

Mr. OEDEKOVEN. There are steps that ensure that the citation is somehow told to them, but as with anything, you can get around it or circumvent it.

Senator BIDEN. Do you mind my asking how old you are?

Mr. OEDEKOVEN. I am sorry?

Senator BIDEN. Do you mind my asking how old you are?

Mr. OEDEKOVEN. Forty-one.

Senator BIDEN. Forty-one. When you were a kid—I am sure it never happened, but when you were a kid, you might have known somebody who, after a ball game, or whatever, might have been cited and released. What is the difference now from then?

Mr. OEDEKOVEN. Then, we used to take them home to the parent and turn them over to the parent. That was virtually our only option. Now, with the cite and release, we do not take them home to their parent. The officers are too busy. They are dealing with a lot of other circumstances, so we issue a regular citation, sign the promise to appear, issue, and release.

Senator BIDEN. I know I am over my time, Mr. Chairman. I will end with this comment. It seems to me that one of the practical problems here—and I mean this sincerely—is you are overworked. One of the practical problems is there are not enough cops on the street, flat out, and it is not that the nature or the citation creates a dilemma that you didn't have 25 years ago or 5 years ago or 5

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minutes ago. It is the fact that you have got to take an officer off the street to drive the kid home. By the way, that is legitimate. That is real, and it is one of the things I think the public most longs for, and that is the ability of the cop to show up at the door with their kid in tow, especially in rural communities.

Mr. LUICK. If I might, Mr. Chairman, just in response, we were rather astounded a few months ago when we looked at the arrest statistics for Wisconsin and realized that we have by far the highest arrest rate for juveniles in the country. We are interested in looking at why that is, and we believe that it is because the law enforcement community in our State is still maintaining that proactive approach to dealing with juveniles. They are taking youth back home. They are counseling within the structure that you were alluding to earlier.

We want to take a serious look at what those law enforcement practices are, and especially when you compare our high juvenile arrest rate with the rather low crime rate. Why is it that this is taking place? Is there a parallel here? Should we be encouraging more of that kind of activity? We are looking at these kinds of programs and program dollars to accomplish that.

Senator BIDEN. Thank you, gentleman. Thank you, Mr. Chairman.

Senator THOMPSON. Thank you very much.

Senator Kohl.

Senator KOHL. Thank you very much, Mr. Chairman.

I am interested in getting your comments, gentlemen, on the legislation that I have introduced which, as you know, would allow an increase from 24 to 72 hours on collocation between juvenile and adult offenders, and also allow some shared staffing during that time. This is a specific piece of legislation which is written to try and ease the problem that I think we have been talking about this morning.

Do you all agree with it or do you disagree? Do you have any suggestions or comments to make on it? Mr. Carson.

Mr. CARSON. I think it would help us in our community, especially. We only have one sessions court judge who doubles as the juvenile judge, so that 72 hours in an emergency situation especially would allow us time to have him presented before the judge over a weekend or during a holiday period. I think it would also help the restrictions with the county jail which we now—since I closed my facility several years ago, it will allow the country facility to train their officers to be able maybe to handle the juveniles, at least the number we have, temporarily. It at least gets us back in the ball game. I think then you would find the police officers willing to make the arrest, make the citation, and get the system started for the juvenile now before it gets too serious.

Senator KOHL. Any downside?

Mr. CARSON. For us, I don't think so just because—and our situation may be a little unique, but we just are put completely out of the business. I mean, it is to the point that you are going to commit a felony, and probably a serious felony, before anything is going to seriously happen to you at all.

Senator KOHL. Mr. Oedekoven.

Mr. OEDEKOVEN. I appreciate hearing that that is the direction that you are taking. I would offer a degree of caution as you propose and deliberate and converse on this to not allow someone to add to it that we now must go for *x* number of hours of training or *x* number of staff, or deal with all of those issues because somewhere somebody doesn't train. The expectation is that you should have trained personnel dealing with the different facets within a facility and allow those folks that choose not to do that to suffer the consequences for not doing it in the first place, not adding additional burdens to those of us who take it very serious, who do a very professional job, by adding an additional burden to it.

Senator KOHL. Do you see any downside to this legislation?

Mr. OEDEKOVEN. No, sir.

Senator KOHL. None?

Mr. OEDEKOVEN. No.

Senator KOHL. Mr. Luick.

Mr. LUICK. As I indicated during my earlier comments, we certainly support this act. We believe that it would provide a tool that law enforcement agencies and counties can use throughout the State when they are dealing with juveniles under the circumstances where they would have to otherwise transport long distances when they expect that this would be a short-term hold.

We have in Wisconsin a set of requirements that a county jail must meet in order for it to be certified to have a juvenile portion of the county jail, and that juvenile portion of the county jail has to maintain a level of sight and sound separation and it has to look at the overall period of time that the juvenile will be held within that particular facility. We think that it is a positive effort. We think that it can be and would be applied appropriately throughout the State.

Senator KOHL. I thank you. Mr. Woodward.

Mr. WOODWARD. Does this still require the sight and sound separation? Would your law still require complete sight and sound separation?

Senator KOHL. Yes, to the extent that no regular contact would be permitted.

Mr. WOODWARD. I think that if it is an emergency that that should be authorized and allowed, and if there are some standards for that. I would hate to see it just sort of happen routinely all the time, and so I would want to caution you just a bit about exactly how that is worded.

Senator KOHL. Any other comments, gentlemen? Yes, Mr. Oedekoven.

Mr. OEDEKOVEN. I would offer, if you stick to the very strict nature of the interpretation of sight and sound separation, as the regulations have proposed or do, we would find it a very difficult time in many of our rural jails complying with that, as opposed to the basic concept of keeping juveniles separate, which many of our jails do comply with or would comply with.

Senator KOHL. Thank you. Thank you, Mr. Chairman.

Senator THOMPSON. Thank you very much, Senator Kohl.

Senator Grassley.

Senator GRASSLEY. I wasn't going to ask any questions. I just would like to make my statement that I was going to make.

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Senator THOMPSON. All right. We will go ahead and conclude this panel, then, and then you can give your statement or testimony.

Gentlemen, thank you very much. I will just make one parting comment here that part of the difficulty we have got here in dealing with this or dealing with the welfare issue or so many issues here is that we are trying to deal with so many different kinds of things. We are dealing with the high school girl who really shouldn't be picked up at all and we are dealing with some pretty hardened criminals in their early teens, and in the middle we are dealing with some habitual truants. Another witness will tell us later on that 85 percent of those will later be arrested for something more serious than a status offense.

We are trying to come up with a system, a plan, that will cover all of those, that will do justice to the one and do what is necessary to the other. It seems to me that that is the real difficulty. What you really didn't get a chance to get into, Mr. Carson, especially, and what your statements reveal to me that shows me the most concern is what seems to be the new, prevailing attitude among very young people who are not in serious trouble yet, but are habitual troublemakers, habitual truants. We have heard testimony before that truancy is the best indicator of future trouble.

They tell you what you can do to them; they know their rights better than some of your own officers do. You take them back to a home that is not really a home anymore and they have no supervision. You don't arrest them. You don't deal with them if you don't have to because you know they are just trouble; no place to put them most of the time, a revolving door situation.

So, yes, we are protecting the rights of these young people, but we are also doing them a disservice by not letting them know that there are consequences to their behavior. But we have so many more serious crimes to deal with that we can't really focus in on them anyway. I guess part of the solution, perhaps, is identifying the problem, but it certainly is a complex one, it seems to me.

Nobody here is wanting to do anything to clamp down and go back on the progress that we have made as far as treating juvenile offenders or juvenile delinquents, and so forth. But I think as we examine this act here and hear the testimony we have heard from other panels and some from you in your written statements, it is quite apparent that we are dealing with a much, much different problem than we were dealing with in 1974.

Thank you very much.

Senator BIDEN. Thank you, gentlemen.

Senator THOMPSON. Senator Grassley, we had asked you to testify as a witness, if that is all right with you, in this proceeding.

Senator GRASSLEY. Will just stay here, if that is OK.

Senator THOMPSON. Yes, sir.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. I thank you, Mr. Chairman. By the way, I was late because I just returned from a press conference with Senator Feinstein where we announced the introduction of a bill cracking down on the chemical supply houses that sell chemicals for methamphetamine production laboratories. I hope that that issue

is of some relevance to this hearing because meth is a major problem for America's youth right now, and Senator Feinstein pointed out how it is usually associated a lot as a contributing factor in youth crime.

Now, beyond that, my purpose for being here, Mr. Chairman, is that this is a very timely hearing because of some things that were going on in my State legislature that I would like to relate to you.

Juvenile crime rates are skyrocketing and there has been a lot of interest here in the Congress on removing some of the strings that the Federal Government has attached to funds paid out under JJDPA. So I want to commend you for having this hearing and on assembling such a fine panel of witnesses—in fact, two such panels.

Mr. Chairman, last fall I wrote you a letter about a problem in Cedar Rapids, IA, concerning runaways. During the past few years, there has been a marked increase in runaways, I suppose, all over, but the purpose of my letter was because of the attention that was brought to it through the Cedar Rapids Gazette articles in the city of Cedar Rapids.

That community was very concerned about this, and I don't know whether the article brought about the attention or there was obviously a problem that the Cedar Rapids Gazette was reporting about, but it ran a series of articles on the problems of youth crime and runaways. The issue of teen crime sparked so much additional commentary from the citizens of Cedar Rapids that the Gazette reprinted its series, and then also reprinted the series with just an extraordinary comments through letters from the readers.

I would like to, if I could, put that in the record, Mr. Chairman.

Senator THOMPSON. It will be made a part of the record.

[The information referred to follows:]

SPECIAL The Gazette REPORT

KIDS OUT OF CONTROL

THE SERIES

- This page and page 2: A growing problem. Rebellion among children
- Page 3: Eric Branstad struggles to regain control
- Page 4: Causes. Why kids get out of control
- Page 5: Effects. A family's pain and fear
- Page 6: Trying to take control. Girls at group home
- Page 7: At wits' end. Parents desperate for answers
- Page 8: Prevention. What parents can do
- Page 9: Runaways. Push for accountability
- Page 10: Where we're going. The costs of dealing with kids out of control

Photo by Greg Prestad, Gazette Intern

Judy Nish (right) and her daughter, Kim, 16, talk at their Marion home in late May. Kim was back living at home after having run away several times. Both believed their relationship had improved. Twelve days later, Kim ran away again, this time to live with a friend and her mother. Nish is pushing for a change in Iowa law that would make running away a crime. Her story is on page 9.

Families battle in a war of wills

By Dale Kueter
Gazette staff writer

A battle is brewing inside Stacey Parker, a confrontation between anger and love. She sits at the dining room table, pondering a year of bittersweet images.

Anger rules up as she remembers the many times her daughter, Jessica, ran away from home, rebelled, talked gangsta talk, walked gangsta walk and simply wouldn't take no for an answer.

Then love recalls the good times, the tender times. Parker remembers last Thanksgiving and Christmas, important family times, when Jessica was absent. She aches for the day when Jessica can come back to their southwest Cedar Rapids home.

Jessica, 14, lives 240 miles away, in a group foster home, with other girls judged to be out of control.

Parker looks away, as if to avoid her words about her own daughter. Tears run down her cheek and splash on the table where Jessica once ate meals with the family.

When we'd find her, it was awful to look at her. She'd say, 'Don't look for me. Let me be.' But we have a responsibility to her. We can't walk away from her."

Stacey Parker and her husband, Bret, closed after Jessica dozens of times. Eventually, with their backs to the wall, they turned Jessica's life over to Juvenile Court.

The Parkers say that seeking help for Jessica has cost upward of $70,000, paid by the state, health insurance and themselves.

They are not alone. More and more parents, married and single, poor and rich, white and black, are struggling for answers in a fast-lane, fast-changing society that presents more challenges to young people than ever before.

Iowa's first family has not escaped problems. Eric Branstad, son of Gov. Terry and Chris Branstad, has been in and out of jams for three years. He has just finished his freshman year of college, and faced new charges in Des Moines shortly after coming home for the summer.

America is pressed for answers. Parents are held liable for the actions of their children in many cities and states, including Iowa. But exasperated parents say they can't control their children.

In Virginia, a mother was fined $100 and given a 10-day jail sentence after her 16-year-old son was arrested for a fifth curfew violation. She has appealed. Oregon parents are liable for children under 16, with fines likely after third violations of curfew.

Caring for young people with behavior problems has become a major undertaking. A growing number of agencies in the Cedar Rapids area provide services to youth. Alternative Services alone has 10 offices in Eastern Iowa. It has grown from 30 to 225 employees in two years.

Youth Services International, which operates two facilities in Iowa, is a 4-year-old company that serves 1,000 young men and women at 16 locations in the country. It issues market

■ Turn to 2: Kids

Upset and concerned, Stacey Parker of Cedar Rapids had to talk to someone.

It was after last year's election for governor. Juvenile crime had been a major issue.

"There has been all this talk about major crime by juveniles, but the newspaper ought to look into what is happening to young people long before that stage."

She described a growing "rebellious" teen-age population. She told of her own family's problems and the feeling of helplessness.

Ten days later, Lawrence Eberly of Cedar Rapids called. His 14-year-old daughter had run away from home and was living with a young man. "We want to do something, but police say we can't do anything."

Other parents called. Many said their kids paid no attention to household rules. Some said they were being abused by their children. All said they were out of answers.

Over a period of several months, The Gazette investigated the issue, interviewing parents, young people, law enforcement officials, and state and local family service professionals.

The result was an eight-part series, "Kids Out of Control."

We could not have imagined the reaction the series would generate. It was as if the lid had been removed from a simmering pot. The turmoil in our families had boiled over.

A CITYLINE phone bank seeking reader response was filled with calls every day of the series. Unable to record their comments there, dozens called the newsroom direct. Others wrote letters.

Mothers, fathers and teen-agers, too, poured out their stories about families coming apart and desperate searches for answers.

MERCY MEDICAL CENTER

This reprint of "Kids Out of Control" was made possible with funding from Mercy Behavioral Services.

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KIDS

"Parents are powerless in dealing with children. We have no control over our kids. (Jessica) has told me that we have no control over her."

Stacey Parker

Teen's parents 'living the nightmare'

Happy girl turned volatile, ending up in group home

By Dale Kuster
Gazette staff writer

When Jessica was 12 years old, she was "super responsible," says her mom. She received mostly A's and B's in school. She baby-sat for friends. She took a course at the hospital to improve her skills in handling children. She was happy.

Then Jessica changed, dramatically, and so did life for the family of Stacey and Bret Parker. Instead of pleasant and thoughtful, their daughter turned brash and volatile. Now 14, she is in a group home for troubled teens in Fetherville.

"We're living the nightmare," says Stacey Parker from the family's neatly decorated home in southwest Cedar Rapids. Jessica will turn 15 in August. She is scheduled to return home then. Her mother is not sure what will happen. Neither is Jessica.

"I want her to come home, but I'd be scared," Parker says. "She tore our lives apart. I was a wreck. We couldn't sleep. We hid knives. I'll be excited when she comes home, but scared of what might happen."

The Parkers are typical middle class. Bret works at the Sixth Street IES power plant. Stacey baby-sits in her home. They have one other daughter, who is 12.

"This is painful," Stacey Parker says about telling her story.

"I don't want the world to know my private business, but we have to start speaking out. This must stop. Please, parents, please, look at your kid's life."

Jessica's change

In 1992 the family moved from northeast to southwest Cedar Rapids. Then Jessica's grandfather, to whom she was close, died. The grandmother moved out of state. Jessica didn't seem to fit in at Wilson Middle School.

"In a matter of months," says Parker, Jessica "was running with the wrong crowd. I fought back hard. Nothing worked."

Jessica's parents talked to school officials, police officers, psychiatrists, representatives of family service agencies, and professionals at St. Luke's Adolescent Center and the Department of Human Services.

"Jessica has run away from just about every place. Once she was gone for several days. When the police found her, I went to the station. She told us, 'I don't want to go home.' The officer, apologetically, said, 'Mrs. Parker, I can't make her.' What do we do?"

"We changed schools. That didn't help. Her language turned from articulate to hip-hop. She dressed like the daughter on 'Roseanne' — dark clothes, big clothes. She referred to herself as 'bitch' and 'whore.' Once she was picked up and claimed she was fed drugs and raped by three blacks. Tests showed neither claim to be true.

"Parents are powerless in dealing with children. We have no control over our kids. She has told me that we have no control over her.

"I'm afraid for my 12-year-old, and what will happen when she gets to middle school. She says she won't be like Jessica, but how do we know?"

For a while, Parker posted a locator map — with pins — trying to keep tabs on her daughter. Other parents would report where they had seen her. She would run with boys 18, 19 and older.

Then Jessica ran with a boy, 16, who "had a great influence on her. He was system wise. She got the power of the street. She told me she felt empowered."

Flirting with gangs

Jessica "came close to being a gang moll," her mother says. She wore her jeans low over the hip, underwear showing. Her flannel shirt was untucked. "She developed a new walk."

She got tapes of "Snoop Doggy Dogg," and began talking that way. The gangsta rapper's lyrics are heavy on degrading women and promoting marijuana.

"We threw out the tapes. She informed us we were no longer her family. I knew she was being sucked in deep. I talked to school officials. I mentioned some names of boys. They couldn't believe it. 'Why he comes from a good family,' they said about one.

"I'm telling parents that they have to monitor what their children are doing. You don't realize what kids are running into. The last thing parents want is to be where I'm at."

No family is immune

"If I could turn back time, I'd try to keep her busy, work on self-esteem," Parker says. When girls reach 12, they hit self-esteem problems.

Parker urges parents to watch for signs of change, like grunge clothing, graffiti on books, different talk and mannerisms.

"I'm not a Republican. But I have one thing in common with (Gov.) Terry Branstad," Parker says. "I believe in the concept of boot camp. Boot camps teach young people to be responsible.

"We all must be responsible for our choices. We've become a society where everyone blames the other. And money is no substitute for love and good parenting."

Stacey Parker begins to cry.

"Two and a half years ago I thought I was in the catbird seat. But what happened to us can happen to you. This has no economic borders."

Kids: Exasperated parents are desperate for answers

From page 1A

trends and an investment prospectus.

In the 6th Judicial District (Benton, Iowa, Johnson, Jones, Linn and Tama counties), delinquency referrals to Juvenile Court have increased 24 percent since 1991. Formal charges against juveniles are up 34 percent in that time.

How many others end up in court custody, out of control but not charged yet with a crime, is not known.

Statewide, the number of formal Juvenile Court hearings has increased from 13,819 in 1980 to 29,961 in 1993.

Last year Cedar Rapids police received more than 1,000 reports of kids running away from home.

It's not against the law.

"We have more children with severe problems, and it crosses socio-economic lines, especially in the last two years. There are more kids from two-parent families, from a good environment, who get in trouble."

Pat Grady, Juvenile Court Judge

A rougher world

Young people have been rebellious throughout the ages. But teen-agers of other generations faced fewer temptations. Mobility was more restricted. The family unit, including extended family, was stronger and had less competition.

"As kids we didn't have to face crack cocaine, AIDS and the violence level we have today," says Virgil Gooding, a family therapist at Foundation II.

"When we were growing up our parents main concern if we ran away was 'What will neighbors say?' Today we have to be concerned about the kids getting hurt or killed."

The vast majority of young people still manage to control their behavior and step around society's numerous potholes.

But some young people, says Gooding, are searching outside the family for security and acceptance. A few are vulnerable to "hunters," young men who seek out troubled teens for sex and drug dealing. Some end up in a gang or wannabe-gang relationships.

"There is no question our caseload is up," says Juvenile Court Judge Pat Grady. "We have more children with severe problems, and it crosses socio-economic lines, especially in the last two years. There are more kids from two-parent families, from a good environment, who get in trouble.

"More girls than ever before are becoming involved in delinquent acts, and we are seeing younger kids."

"Why? We'd all like to know the answers," the judge continues. "It's my perspective that among some children and parents there is lack of family loyalty. Kids don't seem to be attached to parents and parents to kids.

"Divorce has had an impact, but it's not the whole story. There are excellent single parents. But there are many parents with conflict in their own lives. If you don't have stability and loyalty to each other, that has a detrimental impact on children."

Frustrated parents

Lawrence Eberly of Cedar Rapids says teens are running away and setting up housekeeping on their own. "I drug my daughter out of an apartment kicking and screaming. She says she loves this guy. She's only 14!

"Our laws are written to protect minors. They can leave home and you can't do anything about it. As a parent our hands are tied."

Stacey Parker agrees. "If you physically try to stop them, it's child abuse," she says. "The kids know this. Parents don't have any rights."

Judy Nish of Marion is hoping for juvenile law reform that again makes running away a crime. Parents, she says, need that kind of leverage, "some means to get them into Juvenile Court where there are consequences."

Many factors

Why are more kids out of control? Despite all the focus on the problem by various groups, what's going on? What are the causes? Can we turn things around?

"When we were growing up our parents' main concern if we ran away was: 'What will neighbors say?' Today we have to be concerned about the kids getting hurt or killed."

Virgil Gooding, Foundation II

"I don't know what the causes are, they are multiple," says Jacob Elnes, professor of psychology at the University of Iowa. "What we most frequently find is it's not good to be hungry, poor or mistreated. But global generalizations don't help much."

To be sure, America's society and culture are different today. Values have changed. The impact of faith and religion has diminished. Great emphasis is placed on personal independence.

There is little respect for authority figures, says Gooding. That includes parents, teachers and clergy.

"There is less respect for elders, but kids feel disrespected, too," says school psychologist Harlan Stienjes of Cedar Rapids. "Parents aren't paying attention to them."

The economy has slowed wage increases while expenses continue to rise, forcing both parents to work in many cases. Some say today's younger generation is the first that will not be better off economically than their parents.

"Twenty percent of behavior problems involve genetic factors, experts say. Alcoholism and hyperactivity, for example, have hereditary links.

Add to the list of causes increased materialism, a general decline in civility, and perhaps the No. 1 problem — poor parenting.

"Parents got in trouble when people came in and said a family is a democracy," says Donell Lloyd, casework supervisor of Family Preservation Services at Tanager Place in Cedar Rapids.

Divorce and single-parent families have been significant factors. Seventy percent of juveniles in state reform institutions grew up in single- or no-parent situations, according to Bureau of Justice Statistics.

Reaching for answers

There appears to be at least one common thread in discussions of what can be done. There is growing support in direct resources at prevention rather than treatment.

Chuck Abel, who heads the Family Resource Center Development Association in Cedar Rapids, says the shrinking availability of government money will force family service agencies to reform.

He expects a shift from treatment, which he says now consumes 80 percent of budgets, to prevention and education.

Charles Palmer, director of the Iowa Department of Human Services (DHS), says the whole approach "needs to be revisited."

"There is a lot of interest in how we can re-enforce and strengthen families," he says.

State and local agencies are looking at more services that focus on prevention.

Jo Sheeley, manager of group care for the DHS, believes the issues of parenting and kids out of control have reached crisis proportions.

"Somehow we need a national campaign to emphasize the importance of family," she says.

"Call it propaganda if we must. We made war popular during World War II. Why not make parenting and families popular?

"We must help kids understand there is another side."

CHILDHOOD CHANGES IN IOWA

Juvenile violent crime arrest rate (Ages 10-17)

UP 69%

1985: 110
1992: 186
per 100,000 youths

Percent of teens who are high school dropouts (Ages 16-19)

DOWN 27%

1985: 6.2%
1992: 4.6%

Percent of teens not attending school and not working (Ages 16-19)

DOWN 39%

1985: 8.4%
1992: 5.1%

Percent of families with children headed by a single parent

UP 4%

1985: 18.5%
1992: 19.6%

Juveniles committing murder

UP 450%

1987: 2
1993: 11

Number of births to unmarried teens (Ages 15-19)

UP 70%

1985: 10.7
1992: 31.7
per 1,000 teens

Sources: Polk County Iowa Department of Public Safety

Youth solution lies in self-sacrifice

THIS NEWSPAPER'S EXAMINATION of incorrigible youth — stories that will run on two Sundays and every day in between — started with a reader's phone call. Stacey Parker described a growing "rebellious" teen age population, a problem she labeled "kids out of control."

The stories may upset you.

You'll meet young women like Jen, who is 16 and living in a group foster home after being charged with assault.

A GAZETTE EDITORIAL

robbery, fourth- and fifth-degree theft and auto theft. "Until two years ago I was not defiant with my parents. If they said to be home by 10, I would be. Then gradually I wouldn't. . . . I would ask myself, 'Who do I want to be tonight, bad girl Jen or mom's sweetest girl?'"

You'll meet fathers like Larry: "I drug my daughter out of an apartment kicking and screaming. She says she loves this guy. She's only 14!"

You'll be reminded that kids in trouble come from all kinds of families and all kinds of homes — even Terrace Hill. An interview with Eric Branstad, the governor's elder son, runs today on page 11A.

Later in the week, you'll have a chance to take a "Home Situations Self-test" and to hear from people who have ideas on what to do and what to avoid.

Donell Lloyd is a case work supervisor at Family Preservation Services at Tanager Place in Cedar Rapids. "Parents got in trouble when people came in and said a family is a democracy. I work with a mom who couldn't make her 2-year-old take a nap. She says, 'Oh well, she doesn't need a nap.' But that's not the point. If you can't get her to take a nap, next you can't get her to go to school, then can't get her to stay off drugs."

Kevin Connor, therapist at Four Oaks in Cedar Rapids, says a family at some point may have to treat a troubled adolescent like an alcoholic. "You can't help the child. So the rest of the family must get some help."

Sen. Mary Lundby, R-Marion, hopes to schedule public hearings on legislation that would once again make it a delinquent act for a juvenile to frequently run away — except to escape physical or sexual abuse, neglect or criminal activity.

You will also be reminded that society's problems and the solutions to them, often are cyclical and that not all young people today are in trouble.

But again, you may be upset by what you see. The stories are disturbing. A way of life is at stake. If you have children, you may find yourself stopping and thinking about your relationship with them — and your relationship with the other person who helped bring those children into being.

That's the nub of it. Family values is more than a political catch-phrase. In the end, there must be a wider recognition that rearing children is not to be entered into casually, and that, man or woman, parenting today more often requires putting personal needs and desires — even career goals — on hold.

Without such recognition comes more pain.

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

We had a child who was out of control for years. The DHS (Department of Human Services) would tell him he could do what he wanted and we would have to be responsible.

North Liberty woman

I have a daughter who is totally, totally out of control. She has been in an adolescent center for behavioral problems. I've had to have the police here. She has run away again now. We know where she is. They went with me to get her. They refused to make her come home.

I just feel totally helpless. The cops can't help me. No one says they can help me. I have other people interfering who are threatening to take me to court and take her away from me.

I need help.

Cedar Rapids woman

Whatever happened to holding young people accountable for their behavior? We're contributing to a society of victims instead of a society of empowered individuals.

Cedar Rapids man

I am a 16-year-old teen-ager. Last year in my freshman year I was really out of control. My parents couldn't handle it. I was doing drugs and drinking alcohol seven days a week and skipping school constantly.

I finally found a friend who was able to help. She got me back on my feet again. She was the best thing that could have happened to me. I've been drug-free and alcohol-free for almost six months now.

I just think a lot of teen-agers need to find the right group of people or find a friend who can help them like I was.

Cedar Rapids teen

My personal opinion is that part of it comes from a decay in morals. People don't take marriage seriously anymore. They marry and divorce at the drop of a hat and the kids are left to pick up pieces.

I think we need to start teaching family issues in school, how to have relationships, what's involved in having children, and how to raise them properly.

Obviously it is not being learned in the home.

Cedar Rapids woman

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KIDS

"A lot of people think I'm a jerk, an . . . But anybody who wants to be my friend, I will be their friend. A lot of people have preconceived notions about who I am."

Eric Branstad

Struggle to start over

Eric Branstad, 19, fights bitterness and expectations

Editor's note: This interview was conducted in January on the Rockhurst College campus. Eric Branstad has returned to Des Moines for the summer and works for a car dealer. He plans to return to college in the fall. On May 28 he was arrested by Des Moines police on alcohol possession charges and was fined $25. The governor said he thought his son's trouble was "behind us." So did Eric.

By Mike Kilen
Gazette staff writer

KANSAS CITY — Eric Branstad's dormitory room consists of two unmade beds, a stereo with eight speakers, posters of Bob Marley and oily hard body women, assorted socks lying on the floor and 1 12 pack of Natural Light beer.

The typical college freshmen habitat.

His roommate has just rolled out of bed in his underwear when Eric enters and slings down his backpack containing material from his 9 a.m. class at Rockhurst College.

Eric wears a T-shirt — "Friends Don't Let Friends Vote Democrat" — jeans, hiking boots and a baseball cap pulled over his moppy, collar-length hair.

He is roughly 5-foot-8, 140 pounds with thin sideburns and a crooked, scarred chin from a car accident that changed his life.

He is a troubled kid and nearly everyone in Iowa knows it.

He's the governor's son. He's 19. He's in a constant struggle to start over.

No apologies, no pretending

Eric is the son of Chris and Terry Branstad, governor of Iowa for the past 12 years. Despite that, he does very little pretending on this winter day.

He could have hidden the beer cans and said he's given up the drinking; he could have said he's a reformed, straight arrow who did his parents proud.

He could have humbly shouldered all the blame for events that led to alcohol treatment and a military school.

Instead, Eric talks with an edgy earnestness. He insists his story is like so many others. He just got caught.

"A lot of people think I'm a jerk, an asshole," Eric says.

"But anybody who wants to be my friend, I will be their friend. A lot of people have preconceived notions about who I am."

Eric is a bright kid; his parents say he didn't get in much trouble as a small child. And moving from a farm in northern Iowa to the governor's mansion at age 6 was not a bad change, Eric admits.

How many kids have a yard big enough to sled on?

When he got older, security guards on duty at the mansion made his friends sign in to be admitted to the house. "It wasn't so much fun anymore," Eric says.

His dad was always working. Sure, they'd take nice trips now and again but he wasn't around much.

"You're the governor's son, you're a brat," kids would tease.

Eric responded shortly: "Let's go, buddy."

"I've been beat up my share of times. I wouldn't back down. I stood up for him," Eric says.

There were plenty of "big guns" at Dowling High School in Des Moines, says his longtime friend Steve Mosqueda, 18, today a Kirkwood Community College student. So Eric was just another kid. He drank beer like everyone else.

But during his sophomore year in high school, weeks after Eric got his driver's license and a new job, his life came unraveled.

His parents, brother Marcus and sister Allison went to Seattle for the weekend. Eric stayed with a friend whose family owned a farm near Glenwood. He was driving on the farm when his vehicle collided with an oncoming car while attempting to pass another vehicle. The passengers in the car, Charles McCullough, 60, and his wife, Jean, 61, were killed.

Eric suffered a head injury. His mouth and chin were mangled and required extensive repair. He remembers nothing of his eight days in the hospital.

Police found no traces of alcohol in his blood. He was ticketed for an improper pass. His father held a press conference.

"After the car accident everything went downhill for me. That's when I started to get into trouble," Eric says.

The emotional trauma of the Des Moines couple's deaths stays with him, his parents say. But when asked whether he thinks about the McCulloughs, he says: "Not really. I don't really have any feeling."

Then he is silent for a time, his eyes cast downward.

"Really?" he is asked.

"I don't really want to talk about it."

An angry young man

"I told my mom I didn't want to see any more doctors," Eric says of the year after the accident. "I started drinking a lot more, doing stuff that was crazy. We'd go out and drink and get in a fight."

He was bitter, too, for the suspension of his driver's license, first by his father, then by authorities.

One September day of his junior year, he sat in the Dowling parking lot with a carload of teens. They had been drinking. Police came. Eric huddled in the back seat. Police asked for his name.

"Scott Frost," Eric lied.

They ran the name through the computer. No.

"You were the kid in the accident," a police officer said.

(Eric) immediately flew off the handle," says Terry Branstad. He indicated they had something against him.

"You guys are a joke!" Eric yelled at police later from his prison cell.

He was charged with intoxication. For punishment, his father made him ride for a day with West Des Moines police officers.

Public outcry followed, as did newspaper headlines. Immediately, his new drinking charge was connected with last year's accident.

That really hurt me. They still say that," Eric says.

He had a new enemy — the press, for picking on him when other kids were doing the same thing.

His dad took him to Minneapolis for a Davis Cup tennis match, a father-son outing Eric says he will always cherish. "We hadn't spent much time together. It was a good time to talk about what happened."

Eric, a letterman in tennis at Dowling, loved the sport. It was his dream to meet his idol, John McEnroe.

Eric stops his story, gets up from his bed where he is slouched, and takes down the pictures from his desk. It's a photo of him, McEnroe and Andre Agassi at the Davis Cup.

No pictures of his dad, though.

Strained relationship

Just five months later, Eric was in trouble again. His friend's older brother was 5-8, 180 pounds. "Me," says Eric, who laser copied the license, pasted all but the photo over his license and laminated it. A fake I.D. to buy beer.

The convenience store clerk was not fooled.

On Jan. 16, 1993, he was charged with using an altered driver's license. The governor voluntarily turned over his son's license, suspending him from driving.

The next day Terry Branstad broke two bones in his face in a sledding accident. And there were rumors of marriage trouble. Iowans watched as it appeared the family was coming unraveled.

Terry Branstad would later say that sledding, ironically, was part of his initial attempts to get back in touch with his family life after working so hard since he became governor in 1982, as encouraged by a Christian men's support group.

The governor, through wired jaw, played the heavy again. He wouldn't let Eric's friends visit, enforced a strict curfew and provided abundant lectures.

"Like so many parents," Terry Branstad says, "we did not know this was going on. I took the tough-love approach. I'd heard the excuses before, that friends were doing it. But I said, 'It's wrong, it's illegal and we're going to hold you accountable.'"

Eric says his father, raised in rural Iowa decades ago, could never understand an urban '90s kid. Worse, he never listened. "That's when the relationship started to die," Eric says.

Eric would use any excuse to get out of the house.

He often wasted until his parents were sleeping and sneaked from the mansion's third-floor living area to his mother's second-floor office, which contained the only door that didn't trip an alarm. He jumped over the alarm-sensitive mat outside the door. He outran the surveillance camera, tripped an alarm beam near the front of the house, which sent the guards scurrying to the front, then bolted to the other side of the house and freedom.

"Not as hard as it sounds," says Eric, chewing on a burger at a restaurant near the private college's campus.

"I didn't even yell at Mom," he continues. "But I did yell at Dad. He just wouldn't ever listen."

Looking back, Chris Branstad says, "Maybe we weren't communicating at all. We were doing all the talking and we were doing all the ignoring. Or maybe we didn't see things that we should have been seeing. Maybe we should have got some kind of help."

Accepting no blame

One day in June, the summer before his senior year, Eric joined a group heading to a friend's house to sit in the hot tub.

His friends had money. And there was beer to drink.

Frankly," says Terry Branstad, "he knows a lot of rich kids that got by with a lot of things. Those kids are going to have problems all their lives."

Eric was drinking so he let a 15-year-old girl drive his father's Jeep Cherokee out to the hot tub party. She tried to nail their friend's racing Corvette but couldn't make a turn and hit the pole.

Eric scrambled out of the vehicle. "We need to get out of here!"

But police were already on their way," Eric says. Another car was following them, full of intoxicated kids, Eric says, but "they never got in trouble."

Eric pleaded guilty to two counts of illegal alcohol possession and was placed on one year of probation.

He had nowhere to turn. He blamed the man he passed for the first accident, the police for unfair treatment in his alcohol incidents, the press for his emotional turmoil and his father for not understanding.

Now he was headed to Meyer Hall, a juvenile detention facility.

Eric's best friend in high school quickly got on the phone with him.

"I told him I would pick him up and we would head north," says Mosqueda.

Canada seemed good, far away from all the troubles, all the press, everything. Eric started to get his tent and sleeping bag together when his mom came into the room.

She was crying but firm. "Take it like a man," she told him.

At Meyer Hall, he was surrounded by kids he thought were much worse than he.

"What 'ya in for?" he asked a kid.

"Attempted murder. How 'bout you?"

"Alcohol possession."

Eric says, "I really thought I was getting screwed."

But his father says, "The public has a perception he was treated better. He has a perception he was treated worse. I think he got what he deserved."

The Branstads worked out an agreement with a juvenile probation officer: treatment for an alcohol problem at a Des Moines hospital.

"(Hospital counselors) wouldn't believe me that I just drank on the weekends," Eric says. "I'd never done drugs. I didn't shake."

Eric began to realize, however, that "I was doing it too often. I was making my life uncontrollable."

In treatment, "they break you and build you back up. They mess with your feelings," Eric says. "Their goal was to make me cry. It worked."

But a really good counselor there helped me. He said, 'You really need to slow down, see where your life is headed.'"

His punishment wasn't over.

"I think what we did was save his life," Terry Branstad says.

They sent him to Wentworth Military Academy 50 miles east of Kansas City.

Eric pleaded, begged, to be spared his senior year of high school.

"I didn't like the idea of sending my son away. I thought I had one year left with him," says Chris Branstad. "It was probably the hardest thing I've done."

His mom wrote him letters every day. So did friends. He clung to every word of home.

Eric says, "I took everything for granted" — family, friends, freedom — "and then they are gone."

Toughing it out

Reveille was at 6 a.m. sharp. A brisk run started the day, followed by breakfast, classes from 8 a.m. to 3 p.m., sports from 3 to 5 p.m., dinner from 6 to 7 p.m., supervised homework from 7 to 9 p.m., free time from 9 to 10 p.m. and lights out.

Beds had to be made military tight, shoes shined and hair cut. Back talk meant punishment from student leaders.

"They came into your room at night. They had socks stuffed with soap bars and they'd beat the crap out of you," Eric says. "You can't tell the school, because you can't rat them out. So we took bream sticks to them. They never came back again."

"I told myself every night that I was going to run away. It probably kept my spirits high," he laughs.

Through Eric's tough exterior, a dry sense of humor creeps into his conversation, mixed with frustrness.

He is quick to express an opinion, usually articulately. He did this often at school where "yes sir" was expected, not "yes but."

One of his teachers at the military school, Robert Lewis, saw Eric's struggle from the front of the classroom.

"I looked at him and I could see that he was in the dump," says Lewis. "When Eric has a problem you see it on his face. He's never going to make money playing cards."

Lewis invited Eric to come home with him one weekend, to get away from the school, out of his uniform, watch television and eat home-cooked meals.

Eric pondered his life in military school, missing prom, football games, even his siblings.

"I just wanted to go. But when you run away you can't go back.

"I debated this for a long time. I decided it doesn't look good on the manuscript, I thought. 'I'm a man. I can tough it out one year. I can please my parents. I can get into a good school.'

"But I did this for myself. If I don't do that, I know I wasn't going anywhere. I knew that."

He finished second in his class at Wentworth, which earned him a trip to Washington, D.C., where he decided he would like to be a lobbyist someday.

"If you see success in one environment and quit on another, put yourself in that environment," Lewis told Eric. So he took him to Rockhurst, a small Jesuit college in Kansas City where Lewis now teaches an ethics course.

"What separates Eric from other youngsters," Lewis says, "is when he started to be successful, he understood why."

'It's my fault'

Today, strolling the Rockhurst campus, Eric offers the experience of a young man who has gone through much, but no advice.

He learned respect and discipline from military school but he still drinks socially, he says.

He has learned he controls his own destiny but still curses his bad luck. (He saved money for a mountain bike but crashed it on a jump and had 21 stitches in his scalp; his bike was later stolen. Next, he says, he'll get on an accident walking.)

He mixes acceptance and some regret and bitterness.

"What I did, I did," Eric says. "It's my fault."

But — he continues with weary eyes, life in the spotlight has hurt him, made him mad.

The car accident deaths, friends say, still sadden him.

An inner voice was kind, however: born of a privileged background in military school swirl of his own despair, he doesn't know.

Is drinking taking me where I want to go? Is it going out having fun, drinking with my friends or is it going to college?"

As students pass on the campus sidewalk, he says, "I had a choice."

Gazette photos by Chris Hamlin

Eric Branstad talks Jan. 25 about some of the troubles he had as a teen-ager growing up in the public eye as Iowa Gov. Terry Branstad's son. Eric talks in his dorm room at Rockhurst College in Kansas City, Mo.

Eric Branstad attended Rockhurst College last school year. He is working this summer in Des Moines and plans to return to college in the fall.

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KIDS

What went wrong?

For the Eberly family, the answers are agonizing and interconnected

By Mike Klein
Gazette staff writer

ESTHERVILLE — Amber Eberly was 12 when she sat on the kitchen floor and sobbed. She had just been told her parents would divorce.

"Who would you like to live with?" asked her dad, Larry Eberly.

"I don't want to live with one of you!" Amber screamed. "I want to live with both of you!"

Three years later, Amber recounts her downfall that began that day in Cedar Rapids. She sits on a single bed in a small room with a small window that looks out on a lake near this northwest Iowa community.

The doors are locked. The girls she lives with at Forest Ridge Youth Services residential treatment facility are sent here to get control back in their lives, to find the cause of all the hurt and badness within them and turn it to good.

The key is finding the cause.

Amber, 15, is the daughter of middle-class religious parents. She wears braces on her teeth and picks a blemish on her face. She looks like the baby sitter next door. Yet she talks in a monotone of dropping out of school, of running the streets of Cedar Rapids with older men — men who joined her in burglarizing a home, stealing a van, smoking marijuana, having sex.

Like parents of thousands of other troubled teens, Amber's parents and counselors looked hard for answers in what went wrong.

The causes of anti-social behavior are nearly as numerous as juvenile delinquents, experts say. Among them: the breakdown of the family, two-job families with no time for the children, a sex and violence-drenched society, economic struggles of the working poor, an attitude of disrespect in children, poor parenting skills, a lenient attitude toward anti-social behavior, genetic disorders and many others.

"They are not just bad kids doing bad things," says Suzanne Kittelson. They are kids in bad situations making poor choices."

As director of the Foundation II youth shelter in Cedar Rapids, Kittelson hears from both parents and kids whose sad tales usually can be traced to three causes, often interconnected: the family, the society and the individual.

The family

"Compared to children in intact families, children whose parents have divorced are much more likely to drop out of school, to engage in premarital sex, and to become pregnant themselves outside of marriage." — Journal of Family Issues

"Her and I were always close; we are so alike," says father Larry Eberly, who owns a home remodeling business in Cedar Rapids. "We always spent a lot of time together. We went to malls, we laughed and joked.

Eberly, a former youth leader for River of Life Ministries and founder of Heaven's Attic, a Christian youth center in Cedar Rapids, and Amber also spent a lot of time together in church activities.

Yet mother Sherry Fuchs of Cedar Rapids says Amber was always a strong willed child."

The divorce initiated a startling turnaround in Amber. Both parents say. Looking back, Amber says she was confused.

She continually switched from living with her mom, to her dad, to an aunt and back again. When she encountered rules she didn't like in one home, she moved back to the other parent.

"It was almost like she couldn't find peace anywhere," says Fuchs.

Amber started hanging out with a group she calls "GDs," a gang called Gangster Disciples. Shortly thereafter she was assaulted by a group of men on the street.

Her behavior worsened. School officials notified her father that she was skipping eighth-grade classes.

When 14 and older were moving to the school to pick her up. Amber says it started with: getting a ride home after school, then progressed to lunch hour meetings and finally to skipping the entire day.

"There wasn't much I could do. I had completely lost control of her," says Fuchs.

"I lied to my parents," Amber says. "I would manipulate them, go from one parent to another."

She began having sex with one of the young men.

"I wanted to show my parents I had more power than they did. I wanted to make myself look better in front of my friends. That I was older.

"I just wanted to prove I could be somebody."

Amber was eventually expelled from the eighth grade. Larry Eberly took her to the Cedar Rapids Police Department for placement in the Linn County Youth Shelter.

"Saddest day of my life," Eberly says. "I watched her little head in the back seat of the police car being driven away. I sat in the parking lot and cried."

Amber was 14 — a girl who always thought her parent's divorce was somehow her fault, even though everyone told her it wasn't.

The society

"We've always had dysfunctional families. But we had extended families or neighborhoods to help. We had churches which taught the Ten Commandments. We don't have that to some extent. Everyone is anonymous. And there is no sense of right or wrong." — Darnell Lloyd, Tanager Place case work supervisor

Amber Eberly became everyone's problem.

Throughout the summer and into fall of 1990, she thumbed her nose at any and all authority. She ran away from the shelter, and when she was returned to her dad's home, she ran away from there.

"I became my own authority," Amber says. "I did what I wanted to do."

One afternoon, she and friends broke into a home.

They stayed in the house for more than a half hour, drinking wine coolers, rifling through cassette tapes and searching for money. "I didn't care if I got caught," Amber says.

Police came. Amber was placed on probation and sent back to the youth shelter. But she didn't stay there long. She ran away and went back home.

No one would help, Eberly says. There is no law against running away, no stopping her from skipping nearly every day of her freshman year. And caseworkers at the Department of Human Services and probation officers were buried in other cases and rarely saw her, he says.

The system is a joke, Amber told her dad.

Amber's friends taught her it was all about having fun. Join the crowd. Be somebody.

Then, in October, Amber ran away from home and didn't return.

Eberly spent afternoons driving around town knocking on doors.

He was finally tipped off to her whereabouts: the apartment of one of the young men who picked her up at school.

They took my daughter away," he says of the young man and his mother who let Amber move in with them.

They had torn everything apart. I was missing work. I couldn't sleep. I was at the end of my rope.

Eberly put his shoulder down and knocked the door down.

The young man ran. Eberly found his daughter lying on a bed. "I didn't even recognize her," she looked so bad. They had been partying, staying up all night doing God knows what.

Amber yelled at him. He told her in not more. She did. Father slapped daughter across the face hard enough that her braces cut her lip.

Bland trailed down the stairs and out on the step as he carried her to the car.

Eberly left and turned himself in to the police. He was charged with criminal trespass and reported for child abuse. His name will appear in the child abuse registry for 10 years.

Amber walked away and returned to her crowd, weeks later joining a joyride in a stolen van.

Amber says it was all just to have a "new experience. It was just something to do." She didn't care what her parents thought, either. She didn't care of she hurt them.

The individual

"I have the kids' side. They feel powerlessness and helplessness. They look at their place in the world, with AIDS and violence ... and it makes them feel hopeless." — Suzanne Kittelson, Foundation II youth shelter

Amber stood in juvenile court last December and cursed at her parents sitting before her. Officials handcuffed her.

"No matter where you put me," she yelled, "I'm going to run."

Whether Amber was destined to this existence, helped there by a broken family or urged there by bad friends and a violent society, no one knows for sure.

As a young child, Amber's older sister, now 17, was quiet, shy and followed rules, while Amber was loud and challenged authority. She liked to be the center of attention and would threaten to run away from home, says Eberly.

She had the disposition for trouble. But the divorce and assault brought it all forward.

Eberly and a child welfare counselor urged the judge to place Amber in the Estherville facility, a four-hour drive away.

She sits in this room at Forest Ridge and talks in the precise therapy speak of "male dependency" and "negative peers" and the hope she found here since January.

Amber eventually realized it was her task to change. "It was time for me to do what I needed to do."

"Mainly, what I'm working through right now is being able to know I have to deal with my problems, help me. "I've run away from so many of them. I can't run away anymore."

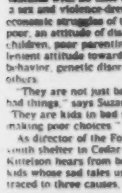
She wrote her father a letter: "I want you to forgive me."

"There is nothing to forgive," he wrote back. "It's part of a parent's job."

He keeps all her letters in a box to read again.

Amber has no illusions of a happy ending yet. There are five more months of therapy here. And she is frightened of returning to Cedar Rapids where had influences will tempt her.

"I'm scared," Amber says, "a lot of the time."



"Parents got in trouble when people came in and said a family is a democracy."

Donell Lloyd
Tanager Place

Losing control: There are many reasons

By Mike Klein

Entire careers are consumed by exploring what causes kids to spin out of control. Easy answers don't exist.

"I don't know what the causes are, they are multiple," says Jacob Sines, professor of psychology at the University of Iowa. "What we most frequently find is it's not good to be hungry, poor or mistreated. But global generalizations don't help much."

Other child welfare experts say a combination of family problems, social influences or mental or genetic disorders can lead to kids out of control.

• **Unstable and single-parent families.** Family experts say the breakdown of the family has left many children with lasting effects. One study shows children of divorced parents are more likely to drop out of school, become pregnant or engage in premarital sex than children of intact families.

In 1993, 27 percent of American children younger than 18 lived with one parent, up from 12 percent in 1970. Most of those children have divorced parents, while an increasing number are products of unmarried teen mothers. Seventy percent of juveniles in state reform institutions grew up in single- or no-parent situations, according to the Bureau of Justice Statistics.

Single parents are more likely to be in poverty, says Mike Crawford of the Child and Family Policy Center in Des Moines, setting off a chain of events.

Children of poor single parents are more likely to suffer from poor nutrition and lack of physical and mental structure, which leads to falling behind in school and the increased likelihood of failing or dropping out.

• **Economic struggles.** They also hamper two-parent families. Crawford says the cost of living has outpaced wages in the past 20 years, causing family stress.

It also may require two jobs. And more two-job families than past generations have resulted in less time for kids, says school psychologist Harlan Stiengas of Cedar Rapids. "There is less respect for elders, but kids feel disrespected, too. Parents aren't paying attention to them."

Stressed families also have fewer backstops today, such as extended family or strong neighborhoods to lean on for help, says Donnell Lloyd, case work supervisor of Family Preservation Services at Tanager Place, an agency serving troubled families in Cedar Rapids.

• **Cultural shifts.** "There seems to be a real materialism," says Suzanne Kittelson, director of the Foundation II youth shelter in Cedar Rapids. "To be successful, you need to smell good, look good. But there doesn't seem to be the same work ethic to go with it. We want immediate gratification."

A lack of civility and respect, glorified by the media, also contributes to delinquent behaviors, says Stiengas. "To have a rude an attitude problem ... is the in thing," he says.

Weapons and violence are more prevalent today, too, says Lloyd. "I've been in this field 16 years, but only in the last couple of years have I felt fear (on a counseling visit to a home). All the way there, I was afraid I would be shot."

Fewer parents today require a spiritual education of their children, who then lack "moral fiber" to make proper decisions about sex or drugs, says Clark Vincent, youth pastor at Westminster Presbyterian Church in Cedar Rapids.

"To have the strength and conviction to resist temptations," says Vincent, kids need more than secular value instruction, they need a "supernatural" guidance, which religion supplies.

• **Genetic factors.** Such factors are a consideration in at least 20 percent of children with behavioral problems, says Samual Kuperman, associate professor of child psychiatry at the University of Iowa. Alcoholism and Attention Deficit Hyperactivity Disorder, for example, have hereditary links.

Temperaments and intelligence are hereditary, as well, which can be factors influencing the likelihood of crime.

In a study of adopted Iowa children in the early 1980s, it was found alcoholic or antisocial problems in biological parents were the chief predictors of antisocial behavior in adolescents. Combined with a poor environment in the adopted home, the likelihood of conduct disorders showed the most increase.

In short, says R.J. Cadoret, author of the study and U of I professor of psychiatry, a combination of biology and environment produce a troubled child.

Conduct disorders aren't always understood. Wheelchairs are visible, behavioral disorders are not, says Kelli Malone, program developer at Four Oaks, a non-profit agency in Cedar Rapids serving troubled families.

The problem child may be aggressive and abusive, behaviors that don't inspire others to say "poor child." Instead, she says, people "get mad at them, which perpetuates the whole cycle."

• **Poor parenting.** "A lot of people just don't have the basics. They can't provide clean clothes and clean housing," says Mike Hines, case work supervisor of Family Centered Services at Tanager Place. "So a lot of time is spent teaching parents the basics, how to clean the house, how to communicate with children."

Other parents are simply too concerned about becoming friends with their children instead of parents.

Parents get in trouble when people came in and said a family is a democracy," Lloyd says. "I work with a mom who couldn't make her 2-year old take a nap. She says, 'Oh well, she doesn't need a nap.'

But that's not the point. If you can't get her to take a nap, next you can't get her to go to school, then can't get her to stay off drugs.

Numerous other problems, such as physical and sexual abuse, contribute to the problems of youth. In some lies the all-encompassing answer.

There is a misrepresentation that all kids need is love," says Malone. "They need a lot of work."

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

Good children's care must begin in infancy with attention, care and love you give your baby.

It then should proceed through the toddler years, childhood and adolescence by spending as much time as possible with your youngster. Even at the expense of your own leisure time.

Give freely of your love. Take meals with your children. Talk to him. Play with her. Counsel with them. And give freely of your love.

Discipline fairly, not harshly, but firmly. Never hit your child. Be available whenever he or she wants to talk to you. Never say, "Not now. Can't you see I'm busy."

Whatever said parenting is easy, it's not. But it's the most important job you'll ever have.

Cedar Rapids doctor

We recently had to admit our 10-year old daughter to a shelter.

We struggled for two years with her behavioral problems. Finally at the end of our ropes, we did what we thought we would never do.

I would like to send a message to the friends, family members, neighbors and even co-workers of parents who have been forced into this situation.

Be supportive. Don't be opinionated. Unless you've been there, you just don't know what we've been through. Be there for us. We're trying to save our children's lives.

Newhall woman

We have a daughter currently at Four Oaks that ran away twice on us. She did also get into the GD (Gangster Disciples) gang. Most of the stuff we've read so far in your articles are exactly what she has done.

Our daughter has experienced premarital sex. And she's done bad in school ... actually even ran away from school a couple of times.

Cedar Rapids man

I'm 15 and I live in Cedar Rapids. At the end of my freshman year, I was starting to get out of control.

I was involved in an abusive relationship with a guy. I started to drink that summer. But, I guess it was the realization that I wasn't going to have much of a future that way that really turned me around.

I don't think that day care has anything to do with it. I know people who have been in day care all their lives and they're perfect kids, they don't do anything.

In my case, divorce had nothing to do with it. I actually wanted my parents to get divorced.

I have good friends, my parents were trusting of me and I think that's what turned me around.

Cedar Rapids girl

Gazette photo by Chris Stewart

Amber Eberly's life took a turbulent turn after her parents divorced. Amber, 15, discusses her troubled past from her room at the Forest Ridge Youth Services residential treatment facility.

56

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KIDS

"It just makes my stomach turn. This is my loving daughter. In a month's time she turned into a person I don't know."

Rita Brady

'Hunters' prey on vulnerable children

By Dale Kuster
Gazette staff writer

They're known as "hunters," males, usually over 18, who scout the malls, high school football games, anywhere young people congregate.

They are hunting for teen-age girls — even preteens — who are vulnerable, perhaps because of problems at home or school. What the hunters want is money, sex and sometimes transportation — in cars not traceable to them — for dealing drugs.

"We're not just talking about poor people and minorities," says Mary Wilcynski, principal at Metro High School in Cedar Rapids. "This kind of shopping involves girls from Marion and Bowman Woods, too."

"Something shakes a girl's security system at home," adds Virgil Gooding, a family therapist with Foundation II. "They go looking for an allegiance system, and then things begin to spiral."

Hunters and the hunted, the idea that people can be victims, is a fairly new phenomenon in Iowa, says Gooding. "Five years ago a teen didn't run into those same risks at malls and parking lots."

"I've been doing counseling in this town for 11 years. In the past two there has been a big increase in the number of parents whose problems stem with a daughter's contact with an individual or individuals who have ganglike attitudes and values."

One young C-dar Rapids male, though only 18, "has already hurt a lot of lives," says Gooding. He's now in jail.

There are a number of others whose names come up frequently when we talk to young women with problems."

The upshot, say Wilcynski and Gooding, is that while most kids will survive, many may be wounded by sexually transmitted diseases.

"I'm afraid," says Gooding, "of what happens in seven to nine years. I think we're in for an AIDS shock because of the willingness of young people to share intimate partners. There is no reason to think it won't happen.

"We've become so much of an open society. So when those from other places come into our community and become intimate players, then you can expect these kinds of problems."

ONCE TEENS are lured by an older male or males and a new ring of companions, Gooding says, new attitudes and values take over. "Authority figures — parents, teachers, spiritual leaders and police — are rejected. The only value figures you have left are those in the media and peers."

The process, he says, is called "mac'n." It is when a "male is doing a remake on a female," explains Gooding, "a sort of brainwashing, breaking her into doing things that are against the mores and value systems she was raised under, including violence as a legitimate part of the relationship."

Devaluing females is a constant in the process, he adds. "Another is the replacement of your family with some other family, maybe the gang family. There is a feeling that violence is the preferred problem solver."

"It seems," says Jim Ernst, executive director of Four Oaks in Cedar Rapids, "that girls tend to put themselves in danger, take some self-destructive action." Boys, out of control, he adds, "move quicker to criminal activities."

"There is a feeling, particularly in suburbia, that kids are safe from those sorts of things," says Wilcynski. "I would caution them. Safety is a fragile thing."

How to compete with hunters

By Dale Kuster

Parents, says Virgil Gooding of Foundation II, are "beyond doubt" naive about "hunters."

We've been trying to tell them for a long time what to look for — a drop in grades, changing friends, loss of interest in extracurricular activities. These are absolute signs," he says.

Gooding says parents must act like involved parents. They must "frequent the places that their children go. That tends to put a real damper on hunter activities."

He has a "mall plan" for parents of young teens:

- Don't drop kids at the mall. Go with them. You can move around as they do, but our malls are not so big that you won't bump into them. If you find your kids with someone you don't know, introduce yourself and try to get their name.
- Specify a time and place to periodically meet, and when to go home.
- Leave together.

What clearly happens to many kids dropped off at the mall is they don't stay there," he says.

They get into cars and go other places. The mall just happens to be the meeting place. As soon as a youngster leaves the mall and gets into a private residence their risk position goes up a million percent."

Even though later hours may be appropriate for older teens, Gooding believes it's still important for parents to know who their children are with and when they will be back.

"In the past two years there has been a big increase in the number of parents whose problems stem with a daughter's contact with an individual or individuals who have ganglike attitudes and values."

Virgil Gooding
Foundation II

Photo by John Pendygraft, Gazette staff

Cindy Brady, 16, sits with her parents, Rita and Don Brady, in the living room of their southwest Cedar Rapids home. Cindy quickly went from being a model child and student to skipping classes and running away from home.

Every parent's dream, then out of control

Model teen quit talking, lied, finally ran away

By Tom Frushling
Gazette staff writer

Cindy Brady was once, not so long ago, every parent's dream.

"Sweet," Rita Brady says of her 16-year-old daughter. "She's cute. Very loving and kind. She was always making me things."

A poster, for instance, that's framed on the wall in the living room of the family's modest rental home at 130 10th St. SW. "Mom," reads the inscription above a picture of a rose, "this flower will live forever, and so will my love for you."

Cindy was a good student, too. In the first semester of her sophomore year at Jefferson High School, she easily made the honor roll. Her report card shows A pluses in Spanish, geometry and astronomy, B's in language arts and history and a C in physical education.

But almost overnight — or so it seems to Rita and Don Brady — Cindy turned into every parent's nightmare.

It was shortly after the first of the year.

She quit talking, for one thing, or she'd lie. She'd leave home, and they wouldn't know where she was. She'd stay out late.

Her school work suffered. And the smart student who earlier in the year was given high marks for "demonstrating conscientious work habits" started skipping classes.

Then she ran away from home. For two weeks, Cindy's parents didn't know where she was, although they feared the worst. Over their objections, she had been hanging around with a woman several years older. The woman had a car and an apartment.

The police told them they could do nothing, since it's not a crime to be a runaway.

But, called to break up a disturbance at the woman's northeast side apartment, officers called the girl's parents and told them they could come and take her home — if she'd agree. Cindy came back, says Rita Brady. But she refused to say much. "She resents talking about it."

Girls victimized

From police, however, the couple pieced together some of what went on in the apartment. Sex, drugs, alcohol. Lots of men coming and going. Crimes committed to buy drugs. Young girls being used and abused.

"The police said these people look for girls who are bright, naive and cute," says Rita. "It's just evil what they do to girls. It's almost like a cult. And girls like Cindy, I guess, think it's all kind of exciting."

The two weeks away changed Cindy, say her parents, and they're scared.

"It just makes my stomach turn," says Rita. "This is my loving daughter. In a month's time she turned into a person I don't know. I just didn't know what was going on. There were no indications."

The girl has stayed at home, but the relationship with her parents has been an uneasy one. "I'm not sure we can trust her anymore," says her father. "We're never sure she's where she says she's going to be."

Her mother can't sleep. "I'm always afraid she's going to run away again. I'm on eggshells all the time. She keeps pushing the limits."

For her part, Cindy says she feels like she's in prison and wants her freedom.

She tried to sneak out once by climbing out of her second-story bedroom window onto the porch roof. She fell off, breaking her pelvis and leaving her parents with a $400 medical bill for which they have no insurance and can't afford to pay.

Don Brady, 30, is unemployed and is taking vocational rehabilitation classes at Kirkwood Community College. Rita supports the family, including 18-year-old son Donald, on a $5.75-an-hour job at a dry cleaners.

"I'm our sole support, such as it is," says Rita, 48.

The son, who attends Metro High School, has a job at a cafeteria to earn spending money. "He's not a problem," says his mother.

Reasons for hope

Cindy finished the school year at Metro, saying she didn't fit in at Jefferson. And she took a part-time job as a waitress in order to earn enough to take driver's education classes this summer and get her license.

There have been a few glimmers of hope that she is indeed the same loving child she once was.

"She made me a card for Mother's Day," Rita notes. "I was really touched by it."

"Mommy," the card said, "you are sweet and very special to me." Says Rita, "Every day, I think maybe tomorrow everything will be all right."

The family has undergone counseling at Foundation II, but Rita says Cindy's behavior has improved little.

Just a couple of weeks ago, when Cindy was supposed to be at her grandmother's house, Rita received an early-morning call from a stranger saying her daughter was drunk on a park bench in Czech Village.

"I never know when she's going to take a notion to act up," says her mother. "Because the law's the way it is, we know she can run away whenever she feels like it. There's nothing we can do about it. They say kids have rights. But what about our right to raise our daughter and make sure she doesn't get hurt?"

They think it's wrong that intervention from authorities comes only after there's evidence of abuse or if the child breaks a law. "Do we have to turn kids into criminals before the system will handle them," asks Brady. "Maybe a lot of problems could be prevented if the police were able to pick up juveniles."

Meanwhile, the worried parents can only hope their daughter can get back on track.

Rita says, "I love my daughter and only want the best for her. She's so intelligent she could go to college and not be stuck like I am at the laundry.

"I had such high hopes for Cindy. I'd do anything to give Cindy enthusiasm and a vision for the future. But it doesn't work that way."

Parenting is about being an adult

By Clarice Flagel

Parenting today is not a problem to be solved, rather than a gift to be cherished.

Parents have been carefully conditioned in our society to see themselves as inadequate. They are not encouraged by the how-to parent "experts" to expect good behavior and good work from their children.

VIEWPOINT

Rather, they are advised to "relate in a meaningful way." Have you ever tried to relate in a meaningful way to a 2-year-old or a 13-year-old in the clutches of puberty? It can't be done!

Parenting is more than a list of services done for children. It is a call to adulthood, to the realization that children are to have all they need, not necessarily all they want.

Mature parents understand that children have rights, but their list of rights for children differs from those who practice the self-absorbed philosophy of "what's in it for me?" The mature parent's list says that children have the right to just discipline and wise guidance; to safety in their own homes; to be educated; to be loved and listened to; to grow at a healthy pace; to the basics of food and shelter; and to non-anxious non-reactive parents.

These same parents know there are parental rights that must be declared if the family is to live in peace rather than pieces: the right to respect, to impose just discipline, to make mistakes without undue guilt, to educate as they see fit, to be listened to, to freedom from excess worry, to say "no" without defending their position, to set limits and to expect effort from their children.

Clarice Flagel

Parents need maturity

As a workshop presenter on parenting, I ask parents two basic questions:

1. How many of you were raised by parents who used the phrase, "Because I said so."
2. If the "shoulds" and "shouldn'ts" of parenting today are so terrific, how come we're losing ground?

Question one elicits many raised hands, with my response being, "See how well you turned out?" The parents laugh as they realize some of the "old ways" are still credible.

Question two calls for awareness. "That's right," one parent told me. "If all this stuff about protecting my kid's tender psyche from emotional pain is so red hot, why isn't it working?"

My opinions about parenting come from making more than a reasonable amount of mistakes as I parented my five children.

I'm no expert, but I've lived long enough to know:

- Parents need each other. Kids clan together for support; yes parents could parent teacher meetings, church groups, and other helpful gatherings like the plague. The kids are outsmarting us on this one.
- I'll have to think about that — is one of the most effective, non-reactive parenting responses ever discovered.
- Self-respect and self-confidence are basic to healthy parenting.

Adults must join together letting children know that even though they may choose troubling behavior, their families, neighborhoods, churches, schools and communities won't stand for it. The African system: "It takes a whole village to raise a child" still works.

Unless we work together, we will continue to feed our youngsters into the greedy and destructive mouth of outside forces that are all too willing to take away our dearest treasures — our beloved children.

Clarice Flagel is pastoral associate at All Saints Catholic Church in Cedar Rapids.

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

What about parent abuse?

We as parents have no rights. Kids can do as they please without consequences. I know. I was there. This same thing was happening to my daughter.

My heart breaks for these parents. No one to help them. Not knowing who where or what the child is doing.

A parent's responsibility in raising their child is to instill good values, provide a comfortable home, education, set a good example ... my list goes on.

But you tell me where the fine line is on how much abuse we parents have to take.

It's going to get worse if we don't do something now.

Cedar Rapids woman

I'm reading a lot of letters directing the source of these problems to the school systems. As a teacher of many years, what my fellow educators and I are seeing now as the rule is what used to be the exception — children being raised by parents with little or no parenting skills.

We as teachers can't, and shouldn't, be expected to do it all. This has to be a cooperative effort somehow.

Many of these students are trying to live up to our expectations by day and a completely different set of values or lack of values at home in many cases. No wonder they're confused.

It begins way before they get to middle or high school.

Cedar Rapids woman

Am I believe it's as much a matter of kids out of control as it is parents out of control. I think when parents grow up and start acting like parents and parent the child, there won't be near the problems there are now.

Woman

I think one of the big problems is people want too much these days. Everybody expects to be 100 percent happy. 100 percent of the time. And kids look around and see that people aren't getting what they want, people aren't happy — and they want to rebel against that.

If you want everything and you don't get it, you're not happy. Kids see that everyone is unhappy and they want to get away from that. They think, "I don't want to be like that," and they get away from it the only way they know how.

Can you really blame them too much for that?

Cedar Rapids man

I'm 18 years old and I'm scared to have children. I see how my mother suffered when I went through a rebellious stage, just as the teens you have featured did.

My mother was a wonderful single parent. She gave me unconditional love, and she disciplined me when I needed it.

No matter how well a child is raised, there's no guarantee that he or she will not be a delinquent.

I don't want to miss out on all the joys being a parent has to offer. But I also do not want to be hurt and disappointed if my child decides to live a carefree, moral-less lifestyle.

Cedar Rapids woman

I have a 13-year-old son and a 18-year-old daughter. And I have not experienced anything like what I'm reading in the paper.

However, I try to be a good role model. I don't smoke. I don't drink in front of my children. I obviously don't do drugs. I don't bring men in the house.

What kids see is what they live with.

I'm divorced. And I'm pretty proud of the way my kids have turned out. They're not perfect, but they're not doing any of this stuff.

Kids see what parents do.

And if they see a good role model, that still doesn't mean they're gonna turn out great, but boy, I think you're chances are a lot better.

I just hope people out there wise up to what they're doing and what they're showing their own kids.

Woman

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57

KIDS OUT OF CONTROL

At group home, girls study what went wrong

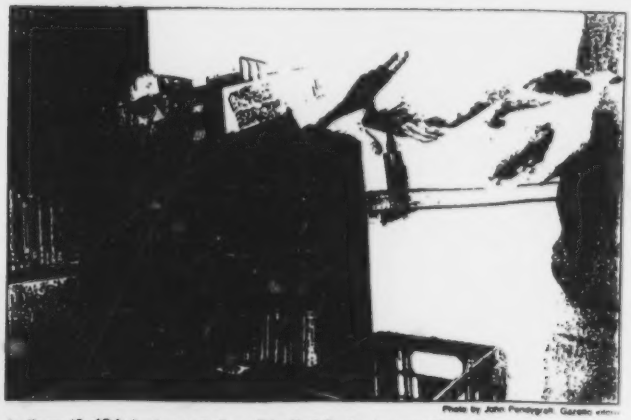

Photo by John Pendygraft, Gazette staff

Jen Knapp, 15, of Palo, has been at the Forest Ridge Youth Services home near Estherville since January. "If I can get my butt in gear here," she says, "I may go home in August."

Editor's note: This story includes a combination of full names and first names depending upon the wishes of parents and young people involved.

By Dale Kuster
Gazette staff writer

ESTHERVILLE — It was a spur-of-the-moment thing, admits Jen Knapp. She was only 15. She coaxed her best friend, stole his car and drove to Texas.

"I had a boyfriend there," she says, pondering her actions of a year ago.

There were other times we went to the Chevy dealer in Cedar Rapids. I test-drove Camaros just for fun, a game to make people see how old I wanted to be, how smart I was, what I could get away with."

Jen, who is from Palo, and four other teen-age girls sit around a long table, telling their stories.

The scene could pass for a college classroom, except the subject is delinquency. These five have already graduated from what would be a lifetime of trouble for most. All are pleasant and courteous, unlike the defiant and even criminal actions that brought them here.

This is Forest Ridge Youth Services, a group foster home for 12 Iowa girls, most of them sent by Iowa Juvenile Court — either as teen-age criminals or, in official language, as CHINA (children in need of assistance) referrals.

Many come from dysfunctional families. The five at the long table agree on one thing. Whatever may have happened at home, they all know right from wrong. None makes excuses. They are solemn, reflective, sometimes cautious. Now even.

They introduce themselves by telling how long they've been at Forest Ridge.

• Stacey, 17, Cedar Rapids. "I came six months ago. I think I'm smarter now. But you see other girls do things, like stealing, and you want to do it. I know that sounds stupid. You can stop and think and see what was wrong, but you just don't do that. I guess I always thought too late. I knew I'd get caught stealing."

• Jen Knapp, 16, Palo. "I've been here nine months — after being charged with assault, robbery, fourth- and fifth-degree theft and grand theft, auto. If I can get my butt in gear here, I may go home in August."

• Jessica, 14, Cedar Rapids. She's been here since October, having been charged with robbery, fourth-degree theft and interference with official acts. "I went to extremes. I tried suicide to get attention. My counselor really scared me half to death. He said I was trying to commit suicide by having sex with anyone to get AIDS. He showed me reality."

"I knew it was wrong to fight. The first time I did it, nothing happened. I didn't get caught. And it made me look better to other people — gangs and stuff."

Katrina

• Katrina, 14, Cedar Rapids. "I'm here for assault and second-degree theft. I assaulted several teen-agers, boys and girls. It happened at school, at the mall. Most of it was for the fun of it. It felt good to fight. I stole a van from my friend's dad, was sent to Toledo (Iowa Juvenile Home) for a month, then here 10 months ago."

• Tania Febre, 15, Davenport. She's been here six months. "I was in gangs, selling drugs, stealing. We would jump people. When I was 10 I was in a gang (Gangster Disciples). The girls are there because they slept around with the men. I would steal for them, not for myself. I stole clothes, then sell them for half price. I was caught attempting to deliver cocaine."

'A power thing'

"Stealing was easy," says Stacey softly. A diminutive figure, she slumps in her chair. "You can always take things back to Von Maur (a Cedar Rapids department store). It was easier than working. I went to Washington (High School), and took classes where I didn't have to do much. I sure didn't want to go to Metro."

School was boring. She often fell asleep in class. To her, good students are boring. "It comes down to choices. They don't do what you want to do. I'd just like to get in trouble. It was my way of being different. It's a power thing. I can decide what I want. Others jump when the bell rings. I don't have to."

Jessica cups her head in her hands as she tells how she was expelled from Wilson Middle School in Cedar Rapids, then kicked out of Taft. She says she's a good student. "If I want to be." Why the rebellion?

"My grandpa. Society," she pauses. "My grandpa died and he was the only one I was close to then. My mom had remarried, and I didn't like my stepfather at first. So I wanted to do what other kids were doing that was fun. I stole clothes, for my friends, not for myself. Also I was angry.

". . . I'd hit my parents, kick them, scream and yell, push my sister against the wall. I would hit my mom, then love her. I had an inconsistent attitude. I ran away and hung out with people who wanted to be defined as being against everything."

She let friends beat her up, she says, just to be accepted. "Mostly men beat me up. I had a problem with promiscuity, too. I didn't want to be disliked by anyone. My parents disliked what I was doing, but they never disliked me."

Craving attention

Katrina is quiet. She responds with deliberation. At Forest Ridge she has become a leader. It's hard to imagine that she got into fights almost every day.

"I think it had to do with my environment," she says. "My relatives fought each other. I knew it was wrong to fight. The first time I did it, nothing happened. I didn't get caught. And it made me look better to other people — gangs and stuff.

"We have gangs from Minneapolis and Chicago. Getting into trouble got you attention. I wanted to do it. People would tell me, 'I knew you.' We smoked marijuana, drank liquor and played music. That was our fun."

No consequences

While her older sister and mom argued a lot, Jen Knapp admits she was spoiled by her mother. She sometimes hid in her room to escape the arguments; at other times she "hid" at school.

"Until two years ago I was not defiant with my parents. If they said to be home by 10," says Jen, "I would be. Then gradually I wouldn't. I told them I got lost or fell asleep at a friend's house. I would ask myself, 'Who do I want to be tonight, bad girl Jen or mom's sweetest girl?'

"There were no consequences. When they did say I was grounded, it didn't work. My parents have tried everything." At a group home in Newton, she attacked a staff member. "I tried to choke her."

Jen looks down, meditating on her palms. "I ran away one time," she says. "The police picked me up. My mom was there. She had been at the morgue looking for me.

"I don't run away because of my family. There is a breakdown in the family — because that's not the way it (the real?) is. There are many ways."

"There is a lack of consequences, everywhere. They say if you screw up once more, you will go here. But it doesn't happen. People aren't willing to stop the problems. Kids will be kids. I don't blame my problems on my family. My parents did the best they could at the time, short of chaining me to the rafters."

Jen was in band at Kennedy High School. Her family seldom attended her concerts, she says, "but they sure would pick me up at the jail."

"If I could go back and do things over, I'd still come here because this is what it has taken."

Tania agrees. "I listened to everyone but to nobody," she said. "Only this place has stopped me. I think I'm different now. I don't lie or steal, but there are no guarantees. I'm ready to go home in my head, but I don't know about dealing with family relationships."

Her mother, she says, several years ago, "picked a boyfriend over me. I can't get it out to talk to my mom what she did to me."

Girls to parents: Talk, love — and do it while kids are young

By Dale Kuster
Gazette staff writer

Each envisions the day she has a family of her own, the time when as a parent she will have to deal with teen-age behavior.

"I want a family someday," says Tania, "and I want us to sit around the kitchen table and talk — at least once a week. It's not all up to the parents. A kid has to listen."

"A lot of people don't know how to sit down and talk," she continues. "We don't know where to start. Maybe we need to talk small things before hitting the big issues."

Stacey injects: "My advice to young parents is to show love early. Some parents smack their kids around. But by ages 10 and 13, it's too late to start being a parent."

If she becomes a mother, says Katrina, smiling, "I want my children in by 10:30."

"As a parent, we have to sit and talk," she says. "Kids always want attention, so participate, you must give it to them. Kids [illegible] be there for them. [illegible] and ask what's wrong.

"If you have a problem, and no one seems to talk about it, you just have to hold it inside. Yes, you need time to process things, but most families wait forever."

The girls dream about going home, good dreams and bad dreams.

None guarantees a turnaround in behavior.

Three out of 10 at places such as Forest Ridge return to the friends and the routines that brought trouble in the first place.

"I'm not sure what might happen if I went home for more than a few days," admits Jessica. She's scheduled to leave Forest Ridge in August.

They had talked for nearly two hours. Then there was silence.

What is running through their minds? Are they rethinking the past or trying to envision a future?

What does lie ahead for them? More trouble? A change in behavior?

"I don't know," says Jen, looking around the table at the others. "There just aren't any guarantees."

Responsible parents give children limits, boundaries

By Mark Baumann

Parenting, in my opinion, has not changed drastically through the centuries. People, such as Peter the hermit, Socrates and ancient Egyptian priests have written about the impossible attitudes and behaviors of young people. It is my observation that young people have changed very little in comparison to their parents.

Until the 1960s, there was a general consensus as to what attitudes and behaviors were acceptable. During the '60s, such mores were discarded. During the '70s, all behaviors were influenced by the "me" generation and the principle that the most important person was oneself.

The '80s were, and the '90s are, populated by parents whose parenting skills range from the dictatorial to extremely lax, and everything in between. Unfortunately, these people grew up during the upheaval of the '60s and '70s.

Yes, few have had any parent training. However, that does not excuse anyone from the responsibility of rearing young people who act with respect and make positive choices. Some parents forgo this responsibility to avoid conflict with their children. They feel they will not be loved if they reprimand or disagree with their child. However, studies show later in life these parents are often not respected by their children because of their laissez faire attitude. Some conflict, well armed combat, is good and necessary.

Parenting involves teaching a child to make his or her way in the world, how to discern good from evil, and select and nurture positive relationships. This is a gradual process that begins with toddlers and doesn't magically end when a young person enters high school or college.

My worst experience was watching a parent who allowed a 3-year-old to make decisions that the child couldn't even comprehend. It is an example of unskilled and unwise parenting and I am sure that child has become a "terror" to his parents. The fault lies with the parent.

Good parenting is the responsibility of everyone who has become a father or mother. Parenting is not a job for teachers or counselors, despite the fact that they may be of great assistance. Unfortunately, those who engage in sexual intercourse for the sole purpose of pleasure are often given the responsibility of rearing a child.

Some "experts" believe that the only necessary ingredient is love. However, this practice becomes a "sugarcoated" guise that is detected by a child and leads to revolt.

There are many children who are never told "no." They receive everything they ask for and are rebellious when things do not go their way. Can you imagine how these people will act in the business world when they are an adult?

Countless studies point to the fact that young people of all ages need and want to know what limits and boundaries they should have. It is the responsibility of every parent to set those boundaries and set a course for continued growth. Little by little, responsibility is given to children until that time in their life when they become completely capable of being responsible for their attitudes and actions.

Mark Baumann and his wife, Marcia, are parents of 6-year-old twin daughters and are expecting their third child in August. Director of Christian education at First Lutheran Church, he also has taught in public schools. He has dealt with and continues to deal with young people and the results of the parenting they receive at home.

VIEWPOINT

"Some 'experts' believe that the only necessary ingredient is love. However, this practice becomes a 'sugarcoated' guise that is detected by a child and leads to revolt."

Mark Baumann

1-stop help for parents

By Dale Kuster

The mother at Foundation II in Cedar Rapids was desperate.

"My son has been here three weeks and ran away twice. He runs away at home. I've been to several agencies. Where do I go next? What do I do? Please help me."

Many parents with their backs to the wall, plus there by their unruly children, are out of answers and confused about where to go for help.

Eighteen private and public family service agencies have launched a cooperative effort in an attempt to provide answers and reduce the bureaucracy.

The agencies formed the Family Resource Center Development Association. Chuck Abel, its director and only employee, says the idea is not to form yet another layer in the system.

"We see our centers as the first place for families to come. We are co-locating staff from the agencies to represent a diversity of human services, sort of one-stop shopping."

One goal, he said, is "to cut the hassle and red tape."

"Historically, there has been some competition among the private-sector agencies," Abel says, "but by this agreement and collaborative effort we are more efficient."

The Family Resource Center concept was launched last year. Abel was hired Jan. 3.

Each of the centers has advisory groups consisting of families who use services.

"This whole approach is still uncharted territory," says Abel. "We need to reshape the way we do business as family service agencies, with a lot more involvement of customers. We need to be more responsive. We need to examine how to meet expected reductions (in funding), and work with the money available."

Abel expects there will be more emphasis on prevention and education in the future. Now, he says, 90 percent of resources go to treatment and 10 percent to prevention.

FYI

Family Resource centers are in three locations. They are open 8 to 4:30 on weekdays.

- 1630 First Ave. NE
- Taylor School, 726 Seventh Ave. Elli
- Linn County Day Care, 589 11th St. NW

A fourth center is being planned for Alburnett.

Agencies that formed the Family Resource Center Development Association are: Abbe Center for Community Mental Health, Alternatives, Christian Cedar Rapids Community Schools, 6th Judicial District Corrections, Foundation II, Four Oaks, Grant Wood Area Education Agency, Hawkeye Area Community Action Program, Jane Boyd Community House, Linn County Department of Human Services, Linn County Department of Human Resources Management, Linn County Health Department, North Linn Community School District, Tanager Place, Visiting Nurses, YMCA, YWCA and Young Parents Network.

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KIDS

"Every day I get a phone call from his teacher or the principal. I'm the victim. My son doesn't care . . . He hasn't learned any limits."

A mother

Desperate parents ask what to do

By Dale Kuster
Gazette staff writer

A Marion dad positioned himself at the door, much like a linebacker waiting for a charging halfback. He was planning to block his 14-year-old son who wanted to leave the house.

At the last second, he stepped aside. The issues that triggered the confrontation were unresolved. The son stayed out overnight.

Another time, the same scene. A wrestling match ensued. Terrible words were exchanged. The boy's nose was bloodied, and then he left.

■ ■ ■

The son threw his mother against the wall after she asked him to get off the phone. Once before he had pushed her when she told him to put away his clothes.

"Every day I get a phone call from his teacher or the principal," she says. "I'm the victim. My son doesn't care. He steals because he says, 'I can.' He hasn't learned any limits. I told him I love him no matter what, but I'm not going to let him abuse me any more."

■ ■ ■

"My son has been here at Foundation II for three weeks, and he's run away twice. Where do I go next?" pleads another parent. "Help me. I've been through this four years. If I talk to him, I'm bitching. He thinks I'm around to be dumped on. What do I do?"

Every Tuesday night, for 13 consecutive weeks, they troop into a Foundation II meeting room in southwest Cedar Rapids. 10 parents — couples and singles — sharing their problems, seeking answers to kids out of control. The room is about 15 by 15. There's no escaping each other's pain.

Sometimes they cry. Sometimes they laugh. Sometimes they hug, a confirmation that "I'm not the only one having these problems." They tell stories about when their children were young, and then, how things came apart.

There are charts. One lists a Parents Bill of Rights. Family therapist Virgil Gooding, chalkboard and videotapes at the ready, is in charge.

"If you restrain your kid, you can't afford to lose," Gooding tells the father/linebacker during a session on power struggles. Rather, he recommends no physical confrontation, trying to talk softly rather than escalate the situation. "Be willing to disengage," he advises.

"You can't close off communications because that could allow someone else to influence their life. If you lock a child out overnight, you give them permission to do what they want.

"Kids need to know who's running the show," Gooding tells parents. "Kids out of control try to convince us they are in control. And then parents have a history of not really meaning what they say. Don't tell your child something in a way as to not expect compliance."

Gooding says parents frequently struggle with whether they should be friends or parents of their children. They must be parents, he adds, "and sometimes it's painful to say no."

Voices of frustration

"I think part of our problem is we don't want to sound like mean parents," says a single mother. "So we say to our child, 'Please pick up your room,' rather than, 'Pick up your room, please'. I thought my parents were dictators, and we didn't want to do things the way they did."

"We try not to be like our parents, but we often find out they were right," says Gooding.

"It was easy when they were little," says one woman, "Not any more. The extended family is not there. We don't know if we're (parenting) right."

Gooding: "We should never have dumped the extended family. But we can have support groups. Our children have all kinds of support groups, peer groups. I bet your teen-age children have friends you don't know. Parents' decisions get played through these channels."

Woman: "Kids think violence and weapons are cool. They think, 'Kick their ass.' If anyone is in their way. They feel they need some kind of weapon. Three of my kids have had knives at school."

Man: "It's more the norm today. Before kids who had weapons at schools were outcasts. Not now."

Woman: "I think their attitudes change when they listen to rap music. It becomes their focal point. It seems like they are in a fog."

Man: "Those damn Ninja Turtles. Kids mimic the karate stuff. And I think there is more vulgarity. It's F-this and F-that."

Gooding: "We have a whole industry that says kids don't mimic what they see on TV. For people to say music has no effect on people is crazy."

Woman: "My sons have no respect for women. They hear it in those songs. My boys will listen to their dad before they listen to me."

Learning to parent

Each night the themes change. Gooding shows a video featuring Lenore Caren, a nationally known family consultant. She talks about the top 10 traits of a healthy family. The next week the group talks about problem solving, and then girls vs. girls, boys fighting, date violence, the impact of divorce, paying bills.

One entire session is about gangs. "Why gangs?" asked local expert Sam Black. "Because they offer a sense of family, belonging. Adolescents look for identity, acceptance as they develop values and make choices. Kids think they have broad choices in a gang when really a gang is very structured. You have fewer choices in a gang than in a family. There is no such thing as a part-time gangster."

A Fairfax man seeks advice on raising his 11-year-old son. He hopes to avoid mistakes made in connection with an older daughter.

"When she turned 16, you could tell her to be home by 11 or 11:30, and she would come at 5 or 6. I met her at the door once at 3 a.m. 'You touch me and I'll call the cops,' she said. So I let her run. There is no law against running away in Iowa and kids know it."

"I think many parents are giving up," Gooding says at one session. "In many cases grandparents are taking care of their children's children. It's usually a case where they hadn't finished parenting. If we play it right, we'll end up with a whole country that knows nothing about parenting.

"A lot of parents come in here and basically say, 'Fix this kid.' Somehow," says Gooding, "things have to change."

A Jolly Roger flag hangs in the Lincoln Place room of Jeriniah Wiessler, 17, of Dubuque.

Photo by John Pendygraft, Gazette staff

Steps parents can take

By Dale Kuster

It was an unusual meeting. A Des Moines mother had the full attention of state officials, police, representatives of the court and many private family assistance agencies. The subject was her out-of-control son, 15.

"She said she really couldn't get any help," recalls George Estle, head of Tanager Place in Cedar Rapids.

"It's frustrating," Estle adds. "There are times in child-parent conflict when there isn't anything anyone can do. None of us can forcibly intervene in an adolescent's life unless the law has been broken, the child is abused or there is a commitment under mental health laws."

Kevin Connor, a therapist at Four Oaks in Cedar Rapids, says a family at some point may have to treat such an adolescent like an alcoholic.

"You can't help the child. So the rest of the family must get some help," adds Connor. "I would suggest the family get into a support network of some kind, and talk to friends. They should also talk to a family therapist. It's important to talk about what happened, what caused this situation.

"It may be good for the family to discuss these things on their own first, then talk to outsiders. But the family must talk about these emotions or it will eat you up inside. . . ."

Deb Porter, crisis center program director at Foundation II, says parents must realize that when a child gets out of control "it affects the whole family."

"Everyone is stressed."

A family should seek counseling, she adds, "and perhaps the parents should start first."

Dealing with siblings

No blueprint exists, Porter says. Kids react differently to different situations. Some repeat the behavior of older siblings. Others watch and subconsciously decide they don't want to go that route.

Rather than designing a course of action, Porter suggests sitting down with the sibling of a problem child, and discussing the family situation. "Assure him this has been a difficult time for the whole family, a scary and crummy time. Then ask him what he thinks."

"Getting a good communications line going, that won't break down later, is important. When kids have a sense of purpose, that their thoughts are important, it helps ground them, helps develop interests and commitments."

Sometimes, Porter notes, parents are just plain out of touch with their children. They don't develop relationships until there is a huge problem.

"I can't say if that's too late, but often it is. Parenting is the most important job in the world, and the one we are least prepared for."

If an adolescent is assaultive, Connor says, "the first thing you might want to do is call the police." Since assault is an adult crime, the police can get involved. And they may involve the Department of Human Services, Connor adds.

"If parents file assault charges, it sends a message to the child that they must be responsible for their actions." Connor says it may also be a good idea to get a psychological evaluation of the child.

What to do and where to go often depends on the roots of the problem, Connor says. Sometimes a child's behavior is "surface oriented. They are acting out." Some problems are due to disability, others to family violence and divorce.

Influences at home

A child, says David Kleist, family therapist at Family Service Agency, doesn't just go from "in control" to "out of control."

"It's a gradual process." And usually, he adds, such a child acts out what is happening in the home.

"I have never seen a child 'out of control' coming from a home where there was not some kind of problem," says Kleist. Even in reasonably stable home situations, he adds, there usually is something that triggers behavior problems.

"Generally parents want to be good parents," says Kleist. His recommendations call for disciplining and communicating "in respectful ways."

"Parents need to listen. They need to affirm," he says. "They must allow the child to experience results of his or her behavior. For example, if they strike a parent, they could end up in Juvenile Court.

"Parents must set limits and follow through. They must be consistent. Parents have to decide what they are willing to do and what they are not willing to do, and stick with it. And it doesn't always feel good to do that."

Workers at family service agencies share parents' frustrations in seeking answers.

"I ask our workers every day for a report," says Connor of Four Oaks. "It is difficult for them to go home sometimes. There's so much to do. We're not talking about 18-year-olds running around, but 12- and 13-year-olds on the street. Where do we put them? We don't know either. It's scary."

Tanager's Estle says those at that meeting in Des Moines several weeks ago could give little assurance to the mother. There is an increased amount of outpatient services and counseling available for families to stay together, he says. However, handling the acute case of a child out of control is something else.

"It's difficult to find a shelter bed or foster care," says Estle. "Many agencies like ours are maxed out."

"It's frustrating. There are times in child-parent conflict when there isn't anything anyone can do."

George Estle
Tanager Place

"Getting a good communications line going, that won't break down later, is important. When kids have a sense of purpose, that their thoughts are important, it helps ground them, helps develop interests and commitments."

Deb Porter
Foundation II

Program helps youths on the road to adulthood

By Tom Fruehling
Gazette staff writer

Their crime-riddled histories are much the same.

They were in constant trouble at home and at school by the time they were 13. Both admit they were out of control. Ordered into a succession of group homes and detention facilities, they ended up at the Boys State Training School in Eldora.

The next stop for Jerimiah Wiessler and Cliff Wright looked to be prison once they became adults.

Now, however, the two youths think they're straightened out their lives. After going through an independent living training program at the Lincoln Place home in Cedar Rapids, they will soon be in their own apartments.

Under the supervision of staff from Alternative Services, which operates the center on Second Avenue SE along with other programs throughout Eastern Iowa, Wiessler and Wright have stayed in school and held down jobs. They've begun to develop the skills to live alone.

And, perhaps most importantly, they've learned how to harness their tempers and get along. Both say they're ready to become responsible adults.

Learning control

Wright, 16, of Cedar Rapids, says his parents couldn't control him and didn't really try. But, then, he admits he wouldn't have accepted limits anyway.

"I wouldn't come home. I'd throw rocks at cars. I took a cap gun to school and shot it at a girl. They charged me with assault and put me on probation the first time when I was 13.

"I'd get into fights and steal stuff. I got assault and theft charges. I was in detention six or seven times. I was in shelters, Foundation II, a couple of group homes. Then I spent four months in Eldora last year."

It was at the training school, Wright says, that he finally "woke up."

"I learned to control my temper."

He was ordered by the court to Lincoln Place in February to go through a transitional period between confinement and living on his own. He is looking for an apartment now but will have daily contact with Alternative Services staff once he's independent.

Meanwhile, he's been a model student at Metro High School, even given an award for outstanding behavior. He works 20 to 30 hours a week as a telemarketer. He says he's learning the basics of living on his own.

"It's pretty easy to follow the rules here," he says. "They aren't hard once you decide to try."

Wright now wants to go to college.

"Cliff's highly motivated and real independent," says Lincoln Place caseworker Jody Novotny. "If he's not here, he's at school or at work. He's earning money and starting to learn how to accept responsibility rather than expecting privileges without earning them."

Putting past behind

Wiessler, 17, had also been through the gamut of lock-ups and group homes before he landed at Lincoln Place. Originally from Dubuque, his arrest sheet lists a long line of assaults, theft and criminal mischief going back to the time he was 13.

"I had family problems," he says, "and trouble with the law. I needed a change."

He finds the atmosphere at Lincoln Place more conducive to making needed behavioral changes. "They treat you more like an adult here. I can set limits for myself."

He's been successfully attending Washington High School and holds down a job busing tables in the restaurant at the Sheraton Inn.

Lincoln Place houses 11 young men and women between the ages of 16 and 18 in either individual or shared apartments. With a staff or nine, there is 24-hour supervision. The goal is to take delinquent kids or those in need of assistance and prepare them for independent living.

Cost of the program is $82 a day for each client.

School and jobs are requirements. And they are taught basic life skills like how to shop and budget, schedule their time, maintain an apartment and how to cook.

There are also therapy sessions to correct antisocial behavior. The program lasts anywhere from two to four months, depending on the individuals' ability to get by on their own. Most move on to their own apartments but remain under daily monitoring.

"It's very effective," says residential supervisor Ryan Timmerman. "If the ones in the program want it to be."

Gianna Owens, director of public relations for Alternative Services, says 94 percent of the young people successfully complete the program and move on to supervised independent living. Another 18 percent satisfy all the requirements but are judged not yet ready to be on their own. Nine percent are sent back to a more structured environment, and the remaining 9 percent "run" from Lincoln Place before finishing the curriculum.

For many, Timmerman notes, it's been the key to breaking a lifelong cycle of anger and trouble.

Says Novotny of the young people she works with, "Success in today's adult society means there is no longer the option to have the same delinquent fun they enjoyed in the past. They must leave their negative past and peers. If that leaves a gap, they must learn how to fill it."

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KIDS

"What it got down to was who was going to have control of the house. (Christian, 3) was going to have control."

Dawn Grady

Small boy, very big problems

Photo by Greg Frosted, Gazette staff

Christian Grady, 3, has gotten much easier to live with since his parents, Scott and Dawn, took a class on disciplining challenging children.

"To have a 'rude (attitude) in the 'in' thing."

Harlan Stientjes, psychologist

By Mike Kilen
Gazette staff writer

Friends told Scott and Dawn Grady that their son was "just being a boy." Christian constantly hit, spit and kicked. He wouldn't listen; he screamed, fought and fussed. He slept only a couple of hours at a time, waking his parents in the middle of the night.

The 3-year-old was out of control.

And Dawn, 33, and Scott, 30, were out of answers. No words, reasoning or discipline worked with Christian.

The Cedar Rapids couple began to worry. Would the tantrum prone boy someday become an out-of-control teen-ager?

Some experts say the early fundamentals of moral development may be laid down within a child's first three years and correcting that sense of right and wrong is progressively more difficult as the child grows older.

The problem is, most parents don't know what to do.

It got so Dawn couldn't even talk on the telephone because Christian disrupted conversations with his screaming. Friends stopped calling.

Christian engaged in "two near-death experiences a day," such as grabbing large kitchen knives and running, says Dawn.

The pressure caused tension at home. Scott thought Dawn wasn't tough enough. Dawn thought Scott was too tough.

Both worked full time, they were exhausted and frustrated.

"What it got down to was who was going to have control of the house," says Dawn, who also has a 7-year-old daughter. "(Christian) was going to have control.

"I didn't know how to help him. I didn't know how to help me. I was in desperation. Then I saw the ad in The Gazette."

Harlan Stientjes, a psychologist with Family Psychology Associates in Cedar Rapids, was advertising a class, "Loving and Disciplining Challenging Children."

Enrolling was the first step to helping their son.

A troubling mix

Parents need more help today than ever before.

The breakdown of social and religious forces have created an abundance of antisocial kids, says Stientjes, who also works with children through the Grant Wood Area Education Agency.

The decrease in the number of stable families, the increase of time-stressed two-job families and society's general lack of civility is part of a troubling mix for kids.

"To have a 'rude (attitude) is the 'in' thing," says Stientjes, who tries to help families before the kids' "rude" leads to bigger trouble.

The signs of trouble can be identified early.

The development of conscience is evident from 18 months to 36 months of age, says Grazyna Kochanska, professor of psychology at the University of Iowa who is studying 103 mothers and their children to see how they develop a sense of right and wrong.

The child's temperament and the parent-child relationship have the most bearing on that development. (See story at right.)

To some extent, all children will rebel, says Stientjes.

"But that doesn't mean they have to be antisocial."

With the Gradys and another couple watching closely, Stientjes demonstrates the proper procedure for a "time out" for children ages 2 to 11 during the sixth session of the 10-step parenting course.

A "time out" is punishment usually requiring the child to sit in a [illegible] chair for a prescribed period. If the child doesn't comply, further steps are taken, he says, such as spanking — only two swift swats on the buttocks.

"This is probably going to be the toughest week in the program," he tells them. "It's the most emotionally draining."

Long before the time-out step, Stientjes showed the parents how to learn more about their children by paying closer attention, establishing a play time, praising the kids and taking steps to help them comply with commands.

Stientjes designed the system, based largely on the work of University of Massachusetts Medical Center's Russell Barkley, for instruction by a trained professional. All the steps must be followed in order to achieve the desired results.

A poker chip system, the fifth step, is used to reward the child for good behavior.

What do you do, Stientjes asks the couples, if the child turns around and kicks you?

Take all the chips, says Scott, who wasn't totally sold on the program yet.

That move, Stientjes explains, would take away the child's motivation.

"At the beginning of the session, I told you I wanted four positives and one negative," he says of the parents' feedback to the children. "Anybody that says parenting can be all positive . . ."

A parent finishes his sentence: "They're in denial."

Gaining control

Bit by bit, the Gradys found the system working.

Christian put his coat and backpack away when he got home.

He got himself dressed in the morning.

He went to bed without crying.

The poker chips he earned landed him special Saturday trips to the Play Station or the movies.

But weeks after the course ended, a folding chair still sat in the corner of the Gradys' living room, stigma to the [illegible]

That C[illegible] their counseling session, he wouldn't stay in the chair and received two spankings.

Now he simply goes to the chair.

"Life is a lot more peaceful," says Dawn. "I think he definitely would have gotten worse. I believe he would have gotten uncontrollable."

Now when the teen years arrive, she hopes he will remember: Bad behavior carries consequences, good behavior rewards.

A time-out chair is much easier to swallow than a time-out cell; love is much easier to give than frustration is to suffer.

From cradle, watch for trouble signs

By Mike Kilen
Gazette staff writer

Marjane Fall remembers the little boy's angelic face. She remembers because after talking with him she discovered he had been starting fires.

"I guess you could say that was what was happening inside him. He was just raging inside," says Fall, assistant professor in counselor education at the University of Iowa. "He would start a fire and feel good by putting it out."

Such inner pain, the product of numerous biological and/or environmental factors, plague many children today. And child experts say the early signs of trouble can start literally from the cradle.

The key for parents is knowing your child well enough to see the signs and then learn how to do something about the resulting behavior problems before adolescence, when it's tough to make changes in kids.

The development of a conscience begins as early as 18 months, according to research of 103 mothers and their children by Grazyna Kochanska, professor of psychology at the U of I.

She found that the child's temperament and the relationship between mother and child had the most bearing on the child's moral development.

If the child's temperament is shy and reserved, he or she is more likely to follow rules to please. Impulsive children would have a hard time following rules. What works for the shy child may not work for the impulsive child, so it's important to tailor parenting styles to that temperament.

For example, "If you take the fearful child, use more gentle discipline; if you take the children that are fearless, it is the secure, warm, mutually responsive relationship that does the trick," Kochanska says.

A mother-child relationship built [illegible] children accepting a mother's rules.

It's important to note, Kochanska says, that the study group was not of "at risk" children and that "temperament is not destiny."

But the likelihood is much greater that a toddler who doesn't develop a moral framework in the early years will become a troubled adolescent.

Fall sees parents noticing trouble with kids as early as kindergarten. They are either children who quietly just don't connect with other kids or those who are angry and prone to wild outbursts.

Smashing things, throwing tantrums and setting fires are signals that the child may be under great pressure.

"We are so apt to minimize it and say, 'Oh, they'll grow out of it.' I would say treat the child's behavior as you would an illness," Fall says.

She suggests calling a school psychologist or other professional who works with children for advice.

One of the first things she tells parents is to spend 15 minutes a day with each child, doing what they want to do, of course within monetary limits.

"Times are so stressful for young families," says Fall of two-job families with kids in day care all day.

"Children have a lot to deal with (in day care). They are tired at the end of the day. So they come home and everybody is sort of full up. There is no space left for them, for being loving and close."

She says not only do parents have to be taught skills to relate to their children but kids need to know how to help themselves.

"We can change children so easily when they are young . . . sometimes in six to eight weeks . . . compared to when you have an adolescent out of control. You are talking big troubles and a lot of time. Many times you can't reverse it."

FOR HELP

For help in catching behavioral problems in the early years, contact:

- School counselors.
- Grant Wood Area Education Agency. Provides materials and training for parents who have children with special needs, including severe behavioral problems, from birth to seven years or high school in a seven-county area surrounding Cedar Rapids. Phone 366-6799 or 1-800-332-8488.
- Attend a parenting class. The example used in accompanying story is the class: "Loving and Disciplining Challenging Children" at Family Psychology Associates in Cedar Rapids. Phone 378-1199.
- Ask your family doctor or trained mental health professional.

Healthy Families helps parents from the start

By Mike Kilen
Gazette staff writer

This program doesn't try to solve problems after they've begun, it works with families from the child's birth.

It's called Healthy Families Iowa — Hopes Project, an Iowa Department of Public Health-funded program in the third year of a three-year pilot project in six Iowa counties. The program provides voluntary home visits to families of newborns for up to three years, providing support, education and information on parenting.

In the first two years of the program, foster care placements, child abuse reports and infant mortality rates decreased in Buchanan County and the number of immunized children and involved fathers increased in all six counties.

The program has helped at risk families get off to a good start and should prevent problems when children get older, says Brenda Ristvedt, executive director of Healthy Families Iowa in Buchanan County.

"What we will see is children who are better prepared to go into the school system," she says. "Any time we can work with families on communication skills, it will help the children as they grow up."

Because of lack of funding, trained staff identify only at risk families, such as unemployed, single, poor, young, uneducated parents or those with a history of abuse. Officials hope to expand the program. A child protection legislative task force in January recommended expansion of Healthy Families to all Iowa counties as its top priority.

Thirty-eight Buchanan County families were served in fiscal year 1986. The other counties are Hamilton, Polk, Scott, Wapello and Woodbury.

For more information in Buchanan County, call 319-334-4218.

HOME SITUATIONS SELF-TEST

Does your child present problems with compliance to instructions, commands or rules for any of these situations? If so, circle the word YES and then circle a number beside that situation that describes how severe the problem is for you. If your child is not a problem in a situation, circle NO and go on to the next question.

Situation	You/as	If yes, how severe? (1=mild, 9=severe)
Playing alone	YES NO	1 2 3 4 5 6 7 8 9
Playing with other children	YES NO	1 2 3 4 5 6 7 8 9
Meal times	YES NO	1 2 3 4 5 6 7 8 9
Getting dressed/undressed	YES NO	1 2 3 4 5 6 7 8 9
Washing and bathing	YES NO	1 2 3 4 5 6 7 8 9
When you are on the telephone	YES NO	1 2 3 4 5 6 7 8 9
Watching television	YES NO	1 2 3 4 5 6 7 8 9
When visitors are in your home	YES NO	1 2 3 4 5 6 7 8 9
When you are visiting someone's home	YES NO	1 2 3 4 5 6 7 8 9
In public places	YES NO	1 2 3 4 5 6 7 8 9
When father is home	YES NO	1 2 3 4 5 6 7 8 9
When asked to do chores	YES NO	1 2 3 4 5 6 7 8 9
When asked to do homework	YES NO	1 2 3 4 5 6 7 8 9
At bedtime	YES NO	1 2 3 4 5 6 7 8 9
While in the car	YES NO	1 2 3 4 5 6 7 8 9
When with a baby sitter	YES NO	1 2 3 4 5 6 7 8 9

Calculate the mean severity score by adding all severity points and dividing by the number of problem situations (YES answers). Parents may consider seeking additional professional analysis from school counselors, psychologists or area education agencies if the mean severity score is three or more, or the following number of problem situations were recorded:

Boys ages 4-5: 6 or more
Boys ages 6-8: 7 or more
Boys ages 9-11: 7 or more

Girls ages 4-5: 5 or more
Girls ages 6-8: 7 or more
Girls ages 9-11: 6 or more

Source: Russell Barkley, University of Massachusetts Medical Center

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

After trying long and hard to fit into the right crowd at my old school and not being accepted, I gave up and my best friend and I started hanging out with gang members.

My grades quickly fell from A's and B's to D's and F's. And I began experimenting with drugs and alcohol. I mutilated my body: piercing and cutting designs into my skin. I was also on my way to becoming anorexic.

Because I was constantly grounded, I would say I was going baby sitting and sneak out to go partying with friends.

Finally, in what now seems to be a cry for help, I wrote my mom a note telling her everything I had done wrong.

Being a model problem teen-ager, my parents are divorced. She kicked me out and sent me to my dad's house.

I entered school at Alburnett just as fourth quarter was about to begin.

Things changed dramatically. I made new friends. There is a totally different attitude here. I became involved in track and chorus. I went to prom. My grades went back up to A's and B's.

My dad checks up on me constantly, checking my stories and making sure I'm not in trouble. Also following up with stiff punishment.

I feel that parents should take more of a role in their children's lives and make sure kids are where they say they are.

Things are all deteriorating because parents just don't have the upper hand anymore.

Children need to respect their parents more. And in turn, parents need to respect their children.

It's a give and take thing.

Alburnett girl

From working in a day care, I believe a lot of the responsibility lies with the parents.

I saw a lot of kids come in there who were really rude and had no respect for their teachers, for their siblings, for their parents, for themselves.

I believe a lot of this needs to start at home.

Kids need structure, and kids need discipline. It seems like a lot of parents these days want to be their kids' friend instead of a parent.

Studies have shown that children want their parent to be a parent instead of their friend. It's a lot easier for them in their peer groups.

I believe that parents need to start being parents. They need to set rules for their children, and the kids need to follow them.

Cedar Rapids woman

Our daughter went through the same thing and nearly destroyed herself and the family. It was a nightmare for six years. It is unbelievable what a family goes through. I was ready to explode; to climb the walls of the house. Your house becomes a war zone.

It started when she was 15. A group of men started coming to our house. She was always sneaking out. We tried to stop her from seeing this one, but it didn't work. This main man seemed to have a bunch of girls working for him and they kept luring our daughter out.

We prohibited them from trespassing on our property, and eventually we filed trespass charges. But the judge dismissed the case. He said our daughter had invited this person to our home, and hence the law didn't allow a trespass charge.

Our daughter is older now and realizes the situation she got into. I think parents need more tools to control their children. Running away should again be an illegal delinquent act. But one of my solutions is to use the laws we have.

We need to get parents to work together. We need to file child abuse complaints, child endangerment charges, whatever the laws allow, against others, teen age friends and anyone who threatens the safety and well being of our children.

Cedar Rapids man

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TO GET INVOLVED

Judy Nish of Marion is forming a parents coalition to seek law changes she thinks are important in helping families with problems.

Nish says parents need help in establishing legal consequences for young people who misbehave. For one thing, she would like the Iowa Legislature to again make running away by juveniles a delinquent act.

Those interested in contacting her may write to P.O. Box 175, Marion 52302.

Should it be a crime to run away?

By Dale Kuster
Gazette staff writer

Judy Nish was in tears. Her daughter Kim, she says with a shaky voice, had run away again. This time it was like a stab in the heart with a twist. Just when Nish thought things were better, she was proven wrong. She felt she was a failure.

"I don't know what I'm going to do. It's a helpless feeling."

Since January, things had improved significantly at the Nish home in Marion. Kim was taking Ritalin. There were fewer arguments. Kim's work at school improved markedly.

Kim turned 16 in late May and was scheduled to start driver's education at Linn-Mar on June 3.

Nish says she and Kim had worked out a curfew. On June 2, Kim was not home by midnight. At 1:15 a.m., Nish called a friend of Kim's. She learned that Kim and the friend were with several men, most in their 30s.

About 3:30 she came home. Kim was grounded for the following weekend.

Judy Nish, a nurse, worked Saturday. Kim spent much of the day with the same friend. Late Sunday, she announced she was moving out.

"She got on the phone, and her friend's mother was here in 15 minutes. My husband (Kim's stepfather) said, 'You can't keep this up. Fighting won't do any good. You'll have to let her go.'

"So I did.

"You can't imagine how hard it was, to sit there and let some other mother take your daughter. I felt it was legalized kidnapping. I felt as though I was helping her run away."

"You can't imagine how hard it was, to sit there and let some other mother take your daughter. I felt it was legalized kidnapping."

Judy Nish, (below with daughter Kim)

Photo by Greg Fendel, Gazette Intern

Push for law changes

Sen. Mary Lundby, R-Marion, responding to Nish and a dozen other parents, hopes to schedule public hearings on legislation that would once again make it a delinquent act for a juvenile to frequently run away — except to escape physical or sexual abuse, neglect or criminal activity.

The bill also says parents would not be liable for damages committed by runaway children still in their custody. Parents are now liable for personal or property damages up to $2,000. Moreover, the bill would create criminal penalties for adults who harbor runaways.

Iowa rewrote its juvenile code in 1979. After great debate, the Legislature decided that so-called status offenses, like running away, should no longer be crimes. Today, however, many parents think there ought to be some sort of legal consequence for runaways and children out of control.

"I'm not a Republican, but I have one thing in common with Gov. Terry Branstad," says Stacey Parker of Cedar Rapids. "I believe in the concept of boot camps. We need, somehow, to teach young people that there are consequences, that they must be responsible."

Parker's daughter Jessica, 14, a chronic runaway, is at a group foster home in Estherville — under the jurisdiction of Juvenile Court.

Lawrence Eberly of Cedar Rapids says his 14-year-old daughter ran away and took up residence with a woman and her son. "She says she's in love. I went there, kicked the door down and drug her out. Then I turned myself in to the police.

"As a parent it seems our hands are tied by the law," adds Eberly. "We want to do something, but the police say we can't."

Bill faces debate

"I figured this bill would be a good starting point for discussion," says Lundby. "Parents say there is no mechanism to get the child to come home and into counseling. They say there is no reason for the child to come home if they are getting support from someone else."

Because of drafting problems, Lundby's bill was not assigned to committee this year. She hopes it can be debated next term. There will be opposition, particularly to the section making it a criminal offense to harbor runaways.

"I have great empathy for these parents," says Sen. Johnie Hammond, D-Ames. "I had a son who ran away a couple of times. He ran to Illinois, a friend's house, and I'm glad that family was there for him. I wouldn't want them to be charged. I was relieved he was there.

"Fortunately, he's grown up to be a wonderfully responsible adult," says Hammond, who is on both the Senate Human Services and Judiciary committees. "But he gave me gray hairs when he was in high school."

She's willing to take a look at the section on harboring juveniles "against the parents' wishes. That comes close to kidnapping. There may need to be some changes there."

Rep. Charles Hurley, R-Fayette, head of the House Judiciary Committee, says he is open to debating the measure. "My passion in this area is dealing with the causes. As a Legislature it's our duty to pick up the pieces, but I would rather keep Humpty Dumpty on the wall in the first place.

"I think the No. 1 cause of these problems is lack of attention. I have seven children," says Hurley, "including two foster children with learning disabilities and behavioral problems. Both were abused. Their little brother died at the hands of a live-in. The best prevention is a parent who pays attention."

Lundby's proposed legislation could also run into trouble with federal officials. Mary Nelson of the Iowa Department of Human Services said her agency could lose some federal aid if status offenses, like running away, are reinstated.

'Grasping at straws'

Judy Nish and her daughter talked to The Gazette a month ago, just before Kim ran away again. Kim had just completed her freshman year at Linn-Mar High School.

Kim traces her behavior problems, in part, to the fall of 1983 when she accidentally turned the ignition switch of the family pickup, causing it to lurch and run over her mother.

"The night my mom came home from the hospital I was drunk," says Kim. "I had been at a football game. Some people who had graduated had beer. I was scared to go home."

She began skipping school. There were fights at home. Then, she says, one of her best friends committed suicide. Kim ran away several times, once for 16 days. Three times she was referred to the St. Luke's Hospital adolescent center, spending about a month there all told.

Each stay cost $15,000. Nish says insurance covered most of it. Eventually a doctor diagnosed attention deficit disorder and prescribed Ritalin. That helped.

Kim's parents divorced when she was 2, but Kim doesn't attribute her problems to that. Her relationship with her stepfather has been good.

"I was grasping at straws for a long time," says Judy Nish. "They say there's all kinds of help out there, but there isn't. She says youth agencies are over-extended and it takes too long to get into the system.

"I'll do anything I can to help Kim, but I feel frustrated, like the Lone Ranger, to make someone understand me that we need to get control over our kids. If we don't, it will just get worse."

"I don't hang out with the same people any more," Kim says. "But I miss getting into trouble. I had an image of being bad at school. Now my image is being a weird person — one who has totally turned around.

"I know now that I have to get a high school diploma. I want to be a cop. I guess I learned that if you run away, there will be consequences. I know I have to make good choices, but I'm paranoid about getting into trouble."

Boomers blamed; tide turns

By Tom Fruehling
Gazette staff writer

The generation of parents complaining that they can't handle their kids have only themselves to blame, according to a local educator who has made a study of societal trends.

Bill Jacobson says the so-called baby boomers (born roughly between 1942 and 1960) grew up with few rules and raised their children that way. Now, they're paying the price.

A longtime administrator in the Cedar Rapids school system who also serves as superintendent of the Marion district, Jacobson has parlayed his experience in the classroom with years of research into the cyclical nature of generations.

He notes that not all of today's young people, or their parents, are screwed up. Not all bad kids come from bad families. Nor do all good parents produce good kids.

He says, however, that there are some generalizations to be made.

As a group, those who came of age in the two decades after World War II lived in an environment where the emphasis was on the individual, civil rights were cherished and penalties for bad behavior were few. Children lacked a moral compass. Now, as adults, they don't like the results of that liberal child rearing.

"Society is changing big time," says Jacobson, 53, an educator since 1953. "The focus is now on the group. Rules and guidelines are coming back. And the kids who are feeling the effects of these changes aren't the ones who caused the problems."

He says a sense of discipline is returning to schools after a long period where students enjoyed free rein. A key turning point, notes Jacobson, was the 1984 U.S. Supreme Court decision involving the Des Moines school district that said schoolchildren's civil rights do not end when they enter the classroom.

Now, such practices as curfews, dress codes, locker searches and (most recently) drug testing for athletes are gaining in popularity. As a result, "Schools today are safer and more focused, and the kids are better behaved."

Jacobson's study of historical cycles, however, teaches him that the pendulum will likely be reversed by the year 2010.

There's a new cycle every 20 years, he says.

But one thing will remain the same. All young people, Jacobson says, go through a period of tremendous adjustment and change as they pass from childhood to adulthood.

"It has been said that 18-to-24 is the age of barbarians. It's always been that way. Every teen-ager just wants to figure out how to make it in the world. Times may change, but their concerns are the same."

"Rules and guidelines are coming back."

Bill Jacobson

To other kids: Think about the victims

By Jan Knapp

"Why's it matter? It's my life." "Get off my back. It's my life." "Leave me alone. It's my life."

I've probably used these statements a million times. Why did it matter to anyone else if I lied, stole, ran away, or skipped class? I wasn't hurting anyone but myself. It wasn't like I was out beating people up or selling drugs. It didn't affect anyone but me.

Sure it didn't. Just like the Earth doesn't go around the sun and the tides don't change. Every move I made affected people both directly and indirectly. Sometimes I wonder who the bigger victims were. Sometimes I'm afraid to know.

The direct victims are the easiest to name. Eight girls who I know that I stole from at school, and probably between 15 and 50 who I don't know. A friend of mine whose car I stole to run away. My parents, who I lied to, and stole from. A staff member at a group home who I attached to steal her car. Believe it or not, those are the easy ones to name.

It's those who were affected the most that are the hardest to name, and face.

My parents, who paced the floors, drove the streets, and spent all night calling friends, shelters, police stations, even morgues, trying to figure out where their daughter was.

My two older sisters who helped with the searching and tried to keep lives of their own.

Teachers, friends and friends' families who not only tried everything in their power to help me make things work at home, but also sometimes put themselves at risk to keep me off the streets.

The hardest victim for me to recognize though, is a 3-year old boy named Allen. He's my nephew, but has been raised as my brother.

The first time I saw him after I got into trouble the last time was in a detention cell. He walked in, wrinkled up his forehead and told me that I was a bad girl.

What could I say? How do you explain to him why someone who taught him it was bad to hit and not to take things that aren't theirs beat someone up to steal her car? How can a 3-year old understand that when Grandma says she doesn't have the money for something it's because no matter how much she'd like to, have her daughter home, she has to pay $300 a month to keep her 900 miles away.

He can't understand, and I can't explain it to him. He doesn't understand choices.

Neither do most people, as I've found out. Many times people ask me, "What can we do to help?" In all honesty, the answer is nothing. You can be there for your kids, raise them so perfectly that it would make June Cleaver jealous, but when it comes right down to it, it was my choice. Granted, at the time I wasn't thinking about who I was victimizing, but deep down I knew.

Jan Knapp
Victims hard to face

So the next time you want to help someone, to keep them out of this kind of situation, confront them. Tell them what they're doing well, and tell them what they need to work on.

Hopefully, someday, they'll do the same for you. Because the most important thing that I've learned is that no matter how smart, or pretty, or rich you are there's always someone who can help you out, and sometimes, those are your biggest victims.

It is your life, but it's also theirs.

Jan Knapp, 16, of Palo, is one of 125 girls at Forest Ridge Youth Services, a group foster home near Estherville. Before entering Forest Ridge, she says, she was charged with assault, robbery and theft. She hopes to go home in August.

VIEWPOINT

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

I have an 8-year-old daughter who is ADHD, brash, oppositionally defiant.

She has gotten into trouble for being physically aggressive at school and in the neighborhood.

I have tried explaining to people that my daughter has a medical problem. The response I've gotten is either they don't want to hear it, they think that I'm making excuses, or they think they fully understand.

No one understands unless he has to personally deal with it himself.

Woman

Our child has been in a residential treatment center for almost a year. We have been in family therapy for four years. We are extremely involved and caring parents with solid family backgrounds and morals.

We have utilized every plan given to us by psychiatrists, social workers, therapists.

Not much has worked.

So much has been blamed on the parents. And it is coming from others who do not have problem children.

If the situation were reversed, then they would see how difficult it is trying to raise a child that does not want to help themselves.

Woman

I have a sister who is 17 that is a runaway. She changed in a matter of overnight from an A-plus student and mommy's little angel to dropping out of school and running away.

She's tried every drug she can and selling and who knows what else.

Our family has tried Sedlacek, going to counseling and going to police. But they can't do anything unless she's caught committing a crime or half dead somewhere from an overdose.

It just doesn't make sense.

Kids can get away with too much and no one can do anything.

Cedar Rapids woman

I'm convinced that kids are out of control because something in sinisterly wrong with the human heart. Inside the heart can be found hatred, jealousy, greed, lust ... and every kind of depravity.

As far as relationships to each other go, we've got it all backward. We try to fix our horizontal relationships with family and fellow man and think that's the answer. Try getting the "vertical" lined up first. In other words, get right with God.

I was once a rebel, too. I'm now 30 and married.

Cedar Rapids man

I think the reason kids are out of control possibly may be the fact that we can't even discipline our children anymore.

I'm not saying that we need to leave marks or bruises. But children are manipulative creatures right from the start.

I think that if we started spanking again in schools and having the kids feel that there's going to be repercussions for their actions, maybe they won't be so out of control.

However, the punishment needs to start when they are very, very young. When there haven't been any boundaries set when they were young, when they get older they certainly aren't going to abide by any boundaries.

Cedar Rapids woman

I have a brother who is currently at Four Oaks. He's 13. He assaulted three people in my family, including myself.

I think that parents should punish their children at an early age so they don't think that they can get by with things at a later age such as this.

Cedar Rapids boy

What we're experiencing now is moral decay in our society. And if we don't put a stop to it, all of our children will be out of control.

We've laughed about it and ignored it. We must now all band together and put a stop to it. Let's start with what TV and Hollywood are promoting.

And above it all, let's not be afraid to get down on our knees and pray about it.

Woman

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61

KIDS

"Our resources are being cut. There are not resources to loch up kids we need to. Group homes are limited. There are not enough youth shelter beds. There are not enough police."

Pat Grady, Juvenile Court Judge

Big money spent on crises of kids

By Tom Frushling
Gazette staff writer

Dealing with out-of-control children and their families has become an industry unto itself.

For-profit companies have joined a proliferation of private non profit agencies and public efforts in the expanding quest to deal with juveniles with problems.

If you want to invest in kids out of control, Youth Services International (YSI) will send you a prospectus. Last year YSI revenues were $34.7 million. Net income was $2 million, or 44 cents per common share.

YSI operates programs for troubled youths at 12 locations, two in Iowa. It was started in 1992 by W.J. Hindman, the man who built Jiffy Lube into a major corporation before selling it.

No one knows just how much Iowa spends on kids out of control, but it's easily in the tens of millions of dollars. In 1992 the children and family services division of the Iowa Department of Human Services (DHS) had a $95 million budget, including $30 million in federal money. This year that budget is $150 million, with $77 million from federal sources.

The Iowa Juvenile Home in Toledo has a $5 million annual budget. The Boys State Training School in Eldora spends in excess of $8 million a year.

These two places are the last stops for Iowa's troubled juveniles. Many have already toured the placement system.

Both, by law, serve children 12 through 17. Toledo has 32 boys and 60 girls, two-thirds designated as children in need of assistance and the balance judged to be delinquent. Eldora has 105 boys, all adjudicated by Juvenile Court to be delinquent.

There is no line item in the state budget for kids out of control. Neither can private agencies segregate such expenditures. But dealing with behavior problems is taking more resources and personnel, public and private officials agree.

Consider Alternative Services, the 16-year-old Cedar Rapids-based human services umbrella agency. In the past two years, it has grown from 30 employees to 265. Offices and services in 10 communities serve 52 counties.

"We offer a broad continuum of services to respond to the needs of youth and family," says Ginna Owens, director of public relations for the non-profit organization. "We hope to build brighter futures by helping young people become self sufficient adults and by helping families deal with the stress of today's world."

The goal of the agency's many programs, Owens says, is to help people lead productive lives.

More services

Alternative Services was founded in Cedar Rapids in 1979 to provide a supervised independent living program with support and counseling for older teens living on their own. The next year, the first group home for troubled boys was opened.

Over the years, Owens points out, services have expanded. Much of the agency's growth has come in the last couple of years when field offices were opened across the state.

In the past year, more than 3,000 young people and their families were involved in the mix of programs.

Alternative Services still offers independent living services to older teens living on their own. This includes daily contact with staff and 24 hour availability. Among the areas stressed are education, job training, money and time management.

There are also three group homes. Horizon Center in Marion is a residential program for delinquent boys. Wendell House is a residential treatment program for adolescents and Lincoln Place is a supervised apartment living program.

In addition, the agency offers a number of employment programs, family counseling services and a new day program for delinquents.

While services are available to others in the community, many served by Alternative Services are referred by DHS, the Department of Corrections and the juvenile court system. Funding sources are the state of Iowa, Medicaid and private donations.

For the fiscal year just ended, the agency operated with a $4 million budget.

YSI operates Forest Ridge, a 140-bed facility for girls near Kathrville, and Clarinda Academy for boys (108 beds). It has also won the contract with the DHS to operate the state's first boot camp at Woodward. The 50-bed unit opened July 10, with annual costs estimated at $900,000. A second 50-bed boot camp will be operated by the Wittenmyer Youth Center in Davenport.

The state pays YSI $83.70 a day per child for residential care at Forest Ridge, $76.61 a day for emergency shelter care. For fiscal 1994, YSI revenues at Forest Ridge were $3.4 million; at Clarinda, $4.3M million.

Culture in free fall: Will we crash or soar again?

"We're seeing more child-in-need-of-assistance cases coming to us where a juvenile has committed delinquent acts that, if they were adults, would be criminal."

Bob Eppler, State Training School for Girls

By Dale Kuster
Gazette staff writer

ETHERVILLE — The shoes are the first thing you notice at the front door. There must be 100 shoes on a floor rack. That computes to 50 students in their stocking feet.

These are the young people still considered to be runaway threats.

Otherwise, it looks like any other classroom. Students sit at rows of desks. One works at a computer station at the rear of the room. Wall decorations consist of the usual world map and clock. Connie Simon, a resource teacher, thumbs to the end of a chapter to begin a review.

This is New Beginnings, one segment of Forest Ridge Youth Services. It is a private, for-profit organization owned by Youth Services International (YSI) of Owings Mills, Md. Its business is trying to straighten out kids — mostly girls — who are out of control.

It operates under a contract with the Iowa Department of Human Services (DHS). YSI has a similar facility for boys at Clarinda.

For these young people, it may be the last chance to straighten out their lives before heading to either the State Training School for Boys at Eldora or the State Training School for Girls at Toledo.

Overwhelming problem

The dozens of people interviewed by The Gazette for this series have collectively painted a troubling picture. The worst scenario is what some experts refer to as a culture in free fall. The best view may be that of a people struggling to re-establish values and family as cornerstones of our society.

Many clearly are dismayed at the depth of the problems. Most are overwhelmed by the caseload. Some see it as nothing less than a national crisis.

Moreover, today's most incorrigible youths — those at Toledo and Eldora — appear to be a much harder lot than their counterparts of a decade ago.

"We're seeing more child-in-need-of-assistance (CHINA) cases coming to us where a juvenile has committed delinquent acts that, if they were adults, would be criminal," says Bob Eppler, superintendent at Toledo. Steve Huston, his counterpart at Eldora, says 70 percent of the male delinquents there have committed felonies.

"We've always had kids in here for fighting or assault," says Huston, "but few used knives and guns. These young people perceive things differently. They don't put value on human life as did juveniles of 10 years ago, including their own life. Many don't expect to reach 25."

Eppler thinks quicker intervention may be needed to steer young people out of dysfunctional families. He also has come to the conclusion that too many juveniles are sent back to dysfunctional families only to fail again.

"It is a zoo out there and we are supposed to be one of the better states," says Eppler.

Pressures building

The family is under more pressure than ever, says Charles Palmer, head of the DHS.

"There are more difficult situations with single-parent families. Drugs are present in many communities and gang pressures are intensifying," he says.

"There are more parents both working to make ends meet. Peer pressure on kids is greater. There are a lot of temptations out there. The need to belong is great. We have a society that sends messages that things are easily obtained, but it's not true. If anything, people have to work harder today."

Many of those sent to Forest Ridge "come in without structure," says Cindy Cox, executive director. "This is like a foreign country to them."

A great number come from dysfunctional families — broken homes, substance abuse, live in boyfriends who have low paying jobs or are on welfare. Most of the young people have done poorly at school.

"There have been serious problems at home," Cox adds, "but the students also have made bad choices — behavior choices that got them in trouble. We spend a lot of time trying not to give them excuses."

There's no one solution or answer to the growing problem.

Push for prevention

Iowa has started to use an approach developed by the state of Washington, a "family preservation" program that includes intensive in-home counseling for as long as a month for kids with serious behavior problems.

"The idea is to work from the preventive mode rather than after the barn burns down," explains John Burke, service administrator for the regional DHS office in Cedar Rapids.

"The philosophy is to identify the problems, try to resolve the issues, work on communications, with almost daily contact with a counselor. We've had some good results, but there are no guarantees."

Some programs involve intensive tracking of troubled teens. Instead of answering to mom and dad, they must answer to agency counselors.

"There are many theories on how we got where we are," says Forest Ridge's Cox. "I've read that as a society we've strayed from traditional values. I've seen the impact of chemical dependency. A TV show the other night talked about the absence of fathers.

"I sense this much. The problem is getting worse. Referrals are increasing. We usually run full."

Photo by Jack Pickthorn, Gazette staff

Young people in New Beginnings at Forest Ridge remove their shoes. Having no shoes at a facility in the countryside is an obvious deterrent to any impulse flight.

Government dilemma: More demand and less money

By Dale Kuster

The increase in family troubles comes at a time when there are pressures to decrease government spending. It's not a pleasing prospect for Cedar Rapids Juvenile Court Judge Pat Grady.

"People want to see more consequences, but consequences are a function of resources," says Grady. "Our resources are being cut. There are not resources to lock up kids we need to. Group homes are limited. There are not enough youth shelter beds. There are not enough police.

"Children's services have been on the chopping block nearly all the time I've been on the bench. We can't have it both ways. But the public keeps telling the Legislature, 'We don't want to spend the money.'"

Grady sees hope in that "people are getting a better sense that these problems must be solved locally, not in Des Moines or Washington." He sees people and organizations working together better than in the past.

Still, he adds, there is no replacement for a good values system. "At some place a child must get a sense of values. If parents don't provide them, they will get them somewhere else."

"There's no single answer," says Lt. Ken Washburn, head of the Youth Bureau at the Cedar Rapids Police Department. "It's complex. It will take everyone pulling in the same direction to make a change. It will take good family values."

In the last five years, juvenile crime in Cedar Rapids has jumped as high as 1,500 cases a year — theft, assault, criminal mischief being the primary offenses. "When I grew up you didn't think about hitting teachers and parents," says Washburn.

This is the first summer for a Cedar Rapids curfew law. Anyone under 16 must be off the streets between 11 p.m. and 6 a.m., unless at work or coming from a school or church function. Violators are subject to performing community service, being fined up to $100 or sentenced up to 30 days in jail.

So far this year 107 young people have been cited for violating the new city curfew law. The threat of arrest seems to be working, Washburn says, most notably in reducing the number of crimes against juveniles. Assault and robbery of young people is down, he adds.

The most common penalty administered by judges is community service. "We want the kids to pay the penalty, not the parents," a judge explains.

READERS' VOICES: WHAT YOU SAY ABOUT KIDS OUT OF CONTROL

My husband and I have a daughter who is 15 and would be considered out of control by some of the stories I have been reading in The Gazette.

I think in our case, we were good parents. We discovered a year ago that our daughter had been sexually abused by a close family relative.

I think if you look further into sexual abuse statistics, you'll find that in a lot of young people, especially girls, you're seeing a lot of these out of control behaviors because they were sexually abused as a young child.

Cedar Rapids woman

Everyone is so worried about child abuse. But what about when the child becomes the aggressor and the parents are the ones being abused?

I have a teen-ager out of control who verbally and physically abuses both of his parents. Yet we are powerless to do anything about it. The laws are on his favor. We cannot make him leave. We cannot do anything to him or he can charge us with abuse. But he is free to abuse us all he wants.

Woman

I have a son who is now 16. He was 14 when he started to get in trouble. He was into drugs. He was doing vandalism. Dealing. Everything.

I switched probation officers and I told them something was gonna have to be done.

Also, prayer will help. I prayed all the time.

He went to Eldora for 30 days. He was in Horizon Center for over a year. Now, he is a new kid. He's got a job and everything.

I think most of the problem comes from what kind of home they're in and if they have too much freedom.

I understand what these parents are going through, but I would get something done. That's what I had to do, because otherwise this one child will keep your home in an uproar.

Cedar Rapids woman

My wife and I are loving, caring parents, middle class.

We had our son in the parochial school system until his junior year when he was removed for a substance abuse problem. We thought we were informed about such things, but as it turned out we didn't know what was wrong. Our son had become an addict before we knew what hit us.

Approximately two years and five treatment centers later, our son, now 18, is still an addict.

In retrospect, I have a lot of contempt for these treatment centers. I felt that we were really sold a bill of goods.

I'm convinced the only way any of these kids can get help is if they want help.

Cedar Rapids man

I'm 15 years old and a sophomore in high school recently. Some of my friends have been getting out of control. They've been smoking, drinking and treating their parents and family very badly.

Some of those friends, I've lost and I don't regret it.

Others I'm still friends with because they know how I am and that I never let them pressure me into stuff like that. If they ever did try to pressure me, I'd lose them quick.

I love my family and myself enough never to want to go through that kind of pain.

Cedar Rapids girl

RESOURCES

Here are some of the agencies in Eastern Iowa that offer help to persons who are having problems with their children:

Aitkin Center for Community Mental Health
- Provides individual, family and group therapy.

Alliance-Adoption Matters
- Helps develop relationships between adults and youths, improve academics and achieve substance-free lifestyle.

And to Women
- Weekly teen mom support, personal and parenting classes.

Alternative Services
- Counseling to families of high-risk youths 13 to 18; out-of-home placement.
- Lincoln Center: short-term crisis for independent living, 16½ to 18; DHS referral.

Big Brothers/Big Sisters
- Matches child from single parent with adult volunteer mentor.

Families, Inc.
- Intensive family counseling through DHS and court in-home crisis counseling.

Family Services Agency
- Individual and family counseling.

Foundation II
- Counseling and monitoring of youths 12 to 17.
- Youth Shelter: temporary emergency shelter for teens.
- Crisis Line, personal and abuse help; 24 hours.

Four Oaks
- Transition or long-term care for children referred by Department of Human Services or Juvenile Court.
- John McDonald Residential Treatment, Manchester, for dysfunctional teen girls, court referred.
- Children 5 to 12 who need help with social skills and behavior; DHS or court referred.

Hampshire House
- Counseling, youth support, parent work-shops.

Iowa Department of Human Services (DHS)
- Counseling to youth and families, court-ordered.

Jane Boyd Community House
- Group activities, promote social skills.

Lutheran Social Services
- In-home counseling to improve family life; DHS referral.

Mental Health Institute, Independence
- Psychiatric care; acute treatment for children 5 to 17.

Mercy Medical Center, Child Guidance Center
- Medical and psychological assessment and treatment of children 5 to 18 experiencing abuse, behavior and learning problems.

Olivet Neighborhood Mission
- Free after school program.

PATCH Program
- Counseling, parenting, youth court advocacy for Daugherty neighborhoods.

Peer Group
- Group and social activities for youth assigned by DHS, court.

St. Luke's Hospital
- Individual and family inpatient and outpatient services.

Teenager Place
- Day program, counseling, behavior therapy for children, family counseling.
- Structured psychiatric residential treatment for youths 6 to 17, court or private referral.

United Way Information & Referral
- General information for Linn, Iowa, Benton, Jones, Cedar and Washington counties.
- (DEAF) 398-4180 (staffed 8 to 5 weekdays).

YWCA
- Programs for special needs children, birth to 12.

Youth Homes Inc., Iowa City
- Emergency shelter, residential treatment for girls, independent living services for boys and girls, substance abuse treatment in-home services.

Youth Services of Linn County
- Crisis intervention and temporary residential care for youths.
- Juvenile Detention, secure temporary care for youths, court-ordered.

MERCY MEDICAL CENTER

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62

BEST COPY AVAILABLE

Senator GRASSLEY. Mary Lunby, who represents Cedar Rapids in the Iowa Senate and is one of Iowa's finest and most productive and capable leaders, decided that she wanted to do something to assist parents in Cedar Rapids, and that is when the controversy started and that is why I am here this morning.

Senator Lunby drafted a bill to crack down on the runaway problem. The bill would have made it a crime to harbor runaways and for children to be chronic runaways. This would have permitted the authorities to hold runaway juveniles in a secure fashion as long as necessary to help the runaway, to notify parents, and to determine the proper and best course of action for the juveniles because we want to help these kids.

All this, of course, seems very reasonable to you, Mr. Chairman, I am sure, but it doesn't seem so reasonable to people here in Washington. Of course, I am a Federal legislator and it really isn't my place to dictate to the Iowa Legislature what they ought to do because under the Constitution, that is a police power that is rightfully committed to State and local authorities.

The office that administers JJDPA got involved when Senator Lunby's bill was introduced, and the authorities here in Washington warned that Iowa could potentially lose one-quarter or more of its Federal funding should the bill be enacted by the Iowa Legislature.

Now, I was asked to assist the community of Cedar Rapids and Senator Lunby. We attempted to solicit assistance from the OJJDP officials here in Washington. I did not ask that Iowa be exempted from any prohibitions. Instead, I asked that the office provide comments on the Iowa bill, as drafted, to see if there was any way that Senator Lunby's bill could be fine-tuned to maintain Iowa's funding, while at the same time trying to solve this problem that we had exemplified by this article in the Cedar Rapids Gazette, and at the same satisfy the requirements of JJDPA.

In fact, some advice was provided to my office, but no one at the Office of OJJDP would actually comment on the record, and no one at the office would promise that Iowa's funding would remain secure if changes which OJJDP itself suggested were made. Now, get this, Mr. Chairman. One person at the office even referred to the idea of making being a chronic runaway a crime and securely detaining runaways—they referred to that as a hideous thought. Mr. Chairman, to me, that reflects a very, very real problem.

So let's look at the situation. We have a Federal bureaucracy administering a Federal program and conditioning the receipt of Federal dollars on compliance with certain requirements, but the bureaucracy was not as forthcoming and straightforward as it could have been in terms of ensuring Iowa's compliance with the JJDPA and Iowa's receipt of Federal funding.

It seems to me that we could not really get an answer. It seems to me, in American Government, one thing that every citizen ought to be entitled to is an answer, Mr. Chairman, and it seems to me a simple problem that can be handled and that the Iowa Legislature wants to know from Federal officials how could we change the law and make it conform to the Federal statute. That is not an impossible question to answer. It ought to be answered, and we ought to sit some Iowa legislators across the table from some Federal

unelected bureaucrats and get some sort of an answer to what the Iowa Legislature could have done to be in compliance with the Federal law and still attempt to solve the problem, but there was no way of getting that done. We did get some suggestions, but we didn't get any assurance that once you did this, you were complying.

Now, someplace in Washington there is somebody who can read a State-suggested piece of legislation and say, if you make these changes in this law, you will still satisfy the Federal requirements. I suppose that the Office of JJDPA is well-intentioned and I am certain that it has done a lot of good over the years, but in the experience of this Senator, some reforms need to be made.

In many ways, this issue is similar to the whole issue that we found when we had welfare reform before us last year, and maybe again this year. It seemed like we had three options. We could continue the status quo, we could remove or lessen Federal strings, or we would impose new and different Federal mandates. I am not certain at this time which course of action Congress ought to take, but I have confidence, Mr. Chairman, that under your capable leadership we will strike the right balance and end up with a Federal law which provides better and more significant assistance in dealing with juvenile crime. I guess if I wanted to state a very personal view, I have more faith in legislatures and in local law enforcement than the present law suggests that we ought to have in them.

So in closing, Mr. Chairman, I believe that JJDPA is in need of serious reform. Of course, Congress should assist local communities in dealing with youth crime, but Federal assistance should not become a code word for Federal control. As a followup of my experience here—and hopefully it will be helpful to your subcommittee—I am going to conduct a series of town meetings across the State of Iowa, including Cedar Rapids. I plan to find out what the people of Iowa want and need from the Federal Government in terms of assistance with juvenile crime. Having listened to the people of Iowa, I will then forward to you my suggestions, and I want to work with you on this reform.

Thank you.

Senator THOMPSON. Thank you, Senator Grassley. I will look forward to that. I think you have put your finger on a very serious problem. It seems that the truants of today are not like the truants of yesteryear, in many cases. Again, we have got a system of mandates that covers everyone from a truant who might be a victim at home to someone who is just a constant and chronic truant who has no intention of doing better. As I indicated before, we will have witnesses and have had witnesses who testified that truancy is the best indicator that there is as far as future criminal behavior.

Senator GRASSLEY. I have a friend in Iowa who happens to have been a former Democratic officeholder and legislator who is very deeply involved in this problem of truancy. He says money spent on truancy is the best investment we can have in the fight on crime, but he likened the situation in our State, and I suppose it is in every State, that society is more concerned about a stray dog, and a stray dog can be picked up and put in an environment to be helpful to that dog. We can't do that for a stray child.

Senator THOMPSON. Well, we have had witnesses here from Colorado and Wisconsin that both sought waivers for various things. It looks to me like the States are spending a good deal of this in coming up here, while committed to the principles that some of these mandates set forth, coming here and trying to get some common sense injected into the system.

It doesn't look like your people had as much success, maybe, as some others. But perhaps the difficulty is with regard to the status offender you are dealing with unlike the sight and sound separation requirement. States can do various things with sight and sound, but there seems to be an outright prohibition against holding in an adult facility. There is a 24-hour exemption if it is an adult facility. I think Senator Kohl's bill would raise that to 72 hours.

But, again, here we are in Washington determining that 24 hours, or that 72 hours is a proper time, regardless of whether or not it is a first-time truant or the tenth time, and it is just a flat rule. I am not sure how you could fine-tune anything or work anything out if you just have a flatout Federal prohibition that says you can't do this, period.

So I think that is what we have to look at, whether or not there needs to be some additional flexibility there to deal with those young people who maybe have not violated the criminal law yet, but if statistics hold out, are destined to almost with a certainty.

Senator Grassley, did you have anything else?

Senator GRASSLEY. No. I don't have anything else. Thank you very much for your consideration.

Senator THOMPSON. Thank you.

Senator Simpson.

Senator SIMPSON. Mr. Chairman, I am pleased to participate a bit in subcommittee activities. I want to commend you for the fine way in which you are conducting the work on this subcommittee. I think those of us who have been on the Judiciary Committee—I look at the ranking member, Senator Biden, and Senator Grassley and those of us on the subcommittee. I am very impressed at the way in which you are doing your work here. You are presenting the issues in a way, I think, which is very fair, and that is the key to subcommittee work. You have to bring in the people on the other side and let them tear you head off. [Laughter.]

I always went out and looked for the spookiest people I could find on the other side. I would say who is the person on the other side that just absolutely is tearing me to pieces on this and then I would have them come.

Senator THOMPSON. But you love a fight, you see. That is the difference, that is the difference.

Senator SIMPSON. Never let a sleeping dog lie when you can go kick it, and that gets you in a lot of trouble. I heard you speaking of the truants of yesteryear, and that was me. [Laughter.]

They called me Alibi Al, and I realized that I could get people to laugh with me, but then I could figure that they were laughing at me because I was doing so many stupid things in my life. That is when the recognition comes, and it did at a tender age after I was on Federal probation for 2 years for shooting mailboxes. [Laughter.]

I see some of you have done that. I can hear laughter in the room, but we thought is was very funny, and it wasn't anything funny at all when we went on Federal probation. I had a probation officer who came to see me periodically, a wonderful man, and he was. But, anyway, that was me then.

I wanted to drop by and welcome our Sheriff from Campbell County, WY, Byron Oedekoven, Whom I have known and worked with and admire. You are very good to have had that testimony.

I have a written statement and I would ask it be placed in the record as if read in full, Mr. Chairman.

Senator THOMPSON. Without objection.

[The prepared statement of Senator Simpson follows:]

PREPARED STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

A couple of weeks ago we began the process of having a public discussion on the problem of juvenile crime, and the merits and shortcomings of the Juvenile Justice and Delinquency Prevention Act. This is a very important debate, because as every witness emphasized in our last hearing, we are dealing with a very real and growing problem in this country. At the same time, we in Congress are having to face the realization that we simply cannot afford to continue throwing money at problems willy-nilly. We must try to be thoughtful and careful stewards of the taxpayer funds that we have been entrusted with—we need to ensure that we are getting measurable, positive results.

There are currently 266 Federal programs in seven departments that serve delinquent and at-risk young people. Funding for juvenile justice and delinquency prevention programs has increased from $75.3 million in 1991 to $144 million in 1995 and 1996—a 91-percent increase in six years. The Federal government spent $9.6 billion for elementary and secondary education programs in 1995—that's a $300-million increase over 1994. It included $1.3 million for a new violent crime reduction program and $9 million for new gang resistance education and training grants, as well as $482 million for safe and drug-free schools and $7.2 billion for education for the disadvantaged. Yet as spending for these programs has increased, the level of juvenile violence in this country has also increased. Are we getting the most "bang for our buck?"

Researchers have begun building a consensus on many of the predictors of juvenile criminal behavior. We have studies which show that 70 percent of all juvenile offenders come from single-parent homes. We also know that there is a strong correlation between a history of abuse or neglect and juvenile crime. The number of juvenile heroin and cocaine arrests has increased by over 700 percent in the past 10 years, paralleling the rising crime rate.

We are spending an awful lot of money trying to find solutions to these problems. Meanwhile, my own state of Wyoming has dropped out of the juvenile justice formula grants program because the Federal requirements were forcing the state to address problems that do not exist there, at a cost far greater than any benefits—monetary or in the form of reduced crime—they were receiving.

It seems that most federal assistance for juvenile crime treatment and prevention comes with a price tag. With many of these programs, we are telling the states, "we know best how to solve your problems, and if you want this money you have to do it our way."

Yet two weeks ago we heard some tremendous stories of men and women who are out there in the trenches, putting their concern and initiative and community resources to work doing things that are proving to be highly successful in getting kids off the streets and out of trouble. It seems clear to me that there are people out there who are way ahead of us here in Washington in creating solutions that work.

Clearly, we need to find an effective way to deal with the alarming problem of juvenile crime. But we also need to provide some flexibility to the states to implement both "Tried and True" and innovative solutions that best fit their own situations. I really don't think we can honestly say that the Federal government cares more about our young people, or has better solutions to juvenile delinquency and violence, than the people "On the Ground" who are affected every day by these problems.

In Wyoming, unlike some other areas of the United States, juvenile and adult crime rates have been growing at similar rates during the past 5 years. Our problem

38-100 97 – 3

is a dramatic increase in drug-related arrests among all age groups. But we don't have much gang activity in Wyoming, either. So the programs we implement will probably differ in some ways from those in other states. Rural states like ours need the flexibility—within a general framework—to design solutions to the unique problems that we face. But we all must certainly work together to reverse the frightening trends we see among our young people.

The "Juvenile Justice" part of the Juvenile Justice and Delinquency Prevention Act has accomplished its intended objective of protecting juveniles who come into contact with the law enforcement system. Every state in the country has incorporated necessary protections into its juvenile justice procedures. Its time we shifted our focus to the "Delinquency Prevention" aspects of the JJDPA—before the rising tide of juvenile crime threatens to engulf us.

Senator SIMPSON. I will just say that flexibility—you keep using the word; you used it two or three times in the brief time I have been in the Chamber. That is what it is about, and our Governor, as you know, finally just withdrew from participation here because we couldn't keep up with the issue. We are going to get a few hundred thousand dollars, and then to set up these facilities in a rural State like Wyoming—and you heard from the sheriff how different that is, and the drug issues that are paramount now, and usage not only with adults and the young people, but our sparse population.

Some communities don't even have a detention facility. If you started to talk to them about separation and this and that, they would say, separation; we don't even have a place to start separating. It just can't be that we continue to do these things, so I hope we will get some flexibility and allow the States to set these programs up. No one is interested in seeing that this goes unaddressed, and with what you are doing and the witnesses you have, you will not leave it unaddressed.

I agree with you totally on the difference between the youth criminal today and the youth criminal of my day. I mean, when you have people that just blow people away and never even have a shred of remorse and then they go to counseling, or whatever, and they just sit there and say, I did that—you know, no feeling, no guilt, no anguish; just, you know, do it.

Anyway, that is something that you are probing and it is a serious issue because it is very different than anything that confronted the country even 10 years ago. So, again, I appreciate what you are doing and will always try to assist in your work whenever I can and admire you greatly.

Senator THOMPSON. Thank you, Senator Simpson, very much.

We will call our last panel now: Ms. Camille Anthony, Mr. Jerry Regier, Ms. Patricia West, and Mr. Robert Schwartz.

Ms. Anthony, do you have a statement for us?

PANEL CONSISTING OF S. CAMILLE ANTHONY, EXECUTIVE DIRECTOR, UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, SALT LAKE CITY, UT; JERRY REGIER, DIRECTOR, OKLAHOMA DEPARTMENT OF JUVENILE JUSTICE, OKLAHOMA CITY, OK; PATRICIA WEST, DIRECTOR, VIRGINIA DEPARTMENT OF YOUTH AND FAMILY SERVICES, RICHMOND, VA, ACCOMPANIED BY MARION KELLY, VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES; AND ROBERT G. SCHWARTZ, CHAIRMAN, JUVENILE JUSTICE COMMITTEE, AMERICAN BAR ASSOCIATION, PHILADELPHIA, PA

STATEMENT OF S. CAMILLE ANTHONY

Ms. ANTHONY. Thank you, Mr. Chairman. I appreciate the opportunity to be here on behalf of Gov. Michael Leavitt, the Utah Commission on Criminal and Juvenile Justice, and the citizens of Utah to discuss this very important issue, the reauthorization of future funding of the JJDP Act.

State and local leaders throughout the country are questioning whether or not it is sound fiscal and public policy to continue to comply with the costly mandates of the 21-year-old justice act for the return of relatively few Federal dollars. Utah's leaders are among those asking. The 1990's have found citizens, mayors, Governors, congressional leaders, and political candidates demanding that government be reinvented, that States recapture equal footing in the sharing of power with the Federal Government, and that government be returned to the people in their towns and neighborhoods where it will work.

Our discussion today is part of that bigger philosophical debate. What are the proper roles of Federal, State, and local government, and in this case who is in the best position to make decisions about juvenile crime, its treatment and its punishment?

Mr. Chairman, Utah's juvenile justice system has improved significantly over the last 21 years that this act has been in place. Many consider Utah's system to be a model. Still, Utah, like other States, continues to battle overcrowded facilities, large caseloads for judges and caseworkers, and a seemingly endless train of troubled clients. Reauthorization of the JJDP Act in some form will not only continue to help Utah as it struggles with these challenges, but allow us to improve the way we respond to delinquent youth and hold them accountable—and I stress the word "accountable"—for their actions.

As I reviewed the act in preparation for this meeting, it occurred to me that I was 9 years old when it went into effect. At age 9, I had no idea that children were serving time in adult jails or that they could be locked up for running away from a dysfunctional or an abusive family. What I knew at 9 was that bad guys got sent to jail for hurting people or stealing things.

Now, 21 years later, I am grateful that the practice of locking up the status offender, the nonoffender, the abused and neglected children, has virtually disappeared in our State. The criminal delinquent offender—it seems to me there is an appropriate role for some jail intervention for those offenders.

To deal directly with the four mandates, Utah and its growing population has virtually eliminated placing runaway and

ungovernables in adult jails. In 1993, Utah had only 28 instances of noncompliance, and that represents a 68-percent decrease since 1989. Approximately 70 percent of those that were placed in jail involved out-of-State runaway youth where there were not clear records of what the status of those youth was.

Sight and sound separation has been much discussed today. I won't spend a lot of time on it. Utah State law requires that law enforcement facilities securely detain, and must obtain prior certification through the Division of Youth Corrections to house juveniles. The law also states that the Division of Youth Corrections will develop standards by which to certify the facilities, and the standards do include sight and sound separation.

In removing juveniles from jails, State statute indicates that law enforcement facilities may only detain, and I quote, "children who are alleged to have committed an act that would be a criminal offense if committed by an adult," thereby specifically prohibiting the secure detainment of status offenders and nonoffenders in these facilities.

Jail certification, sight and sound separation, and hourly requirements are enforced in the limited circumstances where juveniles are confined in adult jails. Willful failure to comply with the State statute is a class B misdemeanor. Again, the State has acted in what I believe is an appropriate manner in placing the law in their State code.

Mr. Chairman, sheriffs in Utah don't want to return back to the way things were in the 1970's. They want juvenile jail housing to be the exception, not the rule. Frankly, the sheriffs that I spoke with aren't real anxious to have juveniles in their facilities. They are a tough population. They are sometimes an impossible management problem. As has been referred to previously, they have no regard for themselves or anyone else, and that contributes significantly to jail personnel safety and the safety of, frankly, some of the adult inmates that may be housed with them if they were not separated under the law.

Like many States, Utah has recognized that there is a necessity to lock up serious youth offenders in the adult system. We do have the possibility of certifying or placing a juvenile in an adult facility after trial as they have been certified as an adult. We have been cautious in that use. Utah has waived 58 offenders to the adult system in 1994. That was a significant increase as to the past years where there were approximately 13 to 15 to prior years. That is one-tenth the national waiver rate.

There should not be a widening of the net by the Federal Government mandating to States which offenses should be waived, nor should there be any attempt by the Federal Government to identify an age at which waiver should occur. Those policy determinations are properly left with State legislatures.

Because Utah has been in compliance with the original mandates for over 10 years, our funding has been used primarily to fund alternatives to confinement and other innovative programs. As a result, JJDP funds have, in fact, been block grants for Utah and that has worked very well. Senator Biden asked earlier about whether the 75-percent requirement that 75 percent of the funds be used for nonsecure detainment was a problem for Utah.

Philosophically, I think that the States should be in the best position to determine where those funds should be spent. If they have a secure detention problem, JJDP funds should be available for use. For the State of Utah, this has not been a problem. Frankly, the sum that we receive is so minimal that it can't begin to address the expensive construction and operation costs of detention facilities. So we have always put, I would say, 99 percent of the JJDP funds to innovative alternatives to incarceration programs.

Disproportionate minority confinement is the latest mandate to come with the JJDP Act and it has resulted in discussions and studies regarding overrepresentation of minorities in the system. I hate to say it, but I believe that little has been accomplished in the way of solution to this issue. Most likely, the reason for lack of answers is that the mandate is inappropriately placed on juvenile justice systems.

Utah's juvenile justice specialist has compared the minority overrepresentation phenomenon to the polio epidemic of the late 1940's by stating placing a minority juvenile in a youth corrections program for a delinquent act and requiring caseworkers to fix the fact that he or she is there is similar to blaming the doctors and nurses who treated polio victims at hospitals for the children's contacting the disease in the first place. It simply makes no sense to burden the juvenile system with the responsibility of solving a much greater societal problem.

The fact is government cannot and will not solve this issue alone. It is incumbent upon families, churches, schools, communities, and government, in partnership, to promote fair and equitable treatment of all individuals. This problem, while important, should not remain a mandate because States cannot comply with it in its present form. Funding would simply be held hostage while juvenile justice systems maintain a feeble effort to solve a much bigger societal problem. I have suggested language that may be appropriate in my written statement that has been submitted into the record that may be considered as an alternative to the current language.

In addition to the four enumerated mandates, the JJDP Act contains requirements not generally recognized as mandates, but are likewise burdensome on States. One example of this would involve the State advisory group composition in section 223(a)(3) of the act. There is very little current investment in the current JJDP board in the State of Utah. That doesn't mean they don't work hard and they don't do their job well. It has not been placed as a State board and commission in State statute. It still exists under a 1983 executive order from Gov. Scott Matheson.

The Utah Commission on Criminal and Juvenile Justice is the Governor's designated agency to receive and disseminate Federal funds. It would make sense that that commission, together with the Governor's appointment authority, would be the entity to determine the makeup of a board to receive the Federal funds and to monitor the grants and determine who they go to. Yet, the JJDP Act is very specific and lists exactly the makeup, down to the number of people that should serve on that board.

If Congress is not willing to review that area of flexibility and allow States to determine the appropriate mechanism by which these funds should be distributed and the board that makes that

decision, Congress should review and streamline the makeup of the advisory group. For example, subsections (iv) and (v) are difficult to comply with because they require that at least one-fifth of the members be under age 24 at the time of appointment and at least three members be appointed who have been or are currently under the jurisdiction of the juvenile justice system.

It looks good on paper to involve the young people in the decisionmaking process, but it has not been practical either from this Federal act or, we have found, in State boards and commissions as well. We have difficulty meeting this requirement because of the youth member's school requirements, lack of transportation, inability to meet during business hours or for the length of time necessary to conduct the business of the JJDP board.

Mr. Chairman, the proper role of the Federal Government in juvenile justice is to provide leadership, to coordinate programs, to serve as an information resource to States, and to provide technical assistance. If the JJDP Act is reauthorized, prevention should be emphasized and the Federal office should concentrate on assisting States with the development of effective prevention programs. They should play their strengths. JJDP has been very effective at impacting that front-end offender, the status offender. I think all of us would agree that that has been a successful area of concentration. They have been less successful in dealing with the violent offender.

Congress allocates grant moneys for States. The requirements to qualify should be as least restrictive on States as possible. Block grants tend to promote that flexibility. Finally, State and local governments are in the best position to respond directly to the needs of their citizens. In doing so, they must accurately define problems and issues and formulate responsible solutions and policies. Utah's commitment to maintaining a healthy juvenile justice system has been clear and unmistakable. We are constantly working to refine our system's strengths and resolve its weaknesses.

The JJDP Act has been a valuable resource in Utah in the past. In the future, the act should maximize flexibility to the State's ability to individualize juvenile treatment and punishment. One size does not fit all. To the extent the act fosters an equal partnership in the future, Utah will be receptive and will continue to participate in this partnership with the Federal Government.

Mr. Chairman, thank you for the opportunity to speak.

Senator THOMPSON. Thank you very much, Ms. Anthony.

[The prepared statement of Ms. Anthony follows:]

PREPARED STATEMENT OF S. CAMILLE ANTHONY

Good morning Mr. Chairman and members of the committee. I appreciate the opportunity to be here today representing Governor Michael O. Leavitt, the Utah Commission on Criminal and Juvenile Justice (UCCJJ) and the citizens of Utah. Thank you in advance for the chance to express our views regarding the reauthorization and future funding of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act).

State leaders throughout the country are questioning whether it is sound fiscal and public policy to continue to comply with the costly mandates of a 21-year-old juvenile justice act for a return of relatively few federal dollars. Utah's leaders are among those asking. The 1990's have found citizens, mayors, governors, congressional leaders and political candidates demanding that government be reinvented, that states recapture equal footing in the sharing of power with the federal government and that government be returned to the people in their towns and neighbor-

hoods where it will work. Our discussion today is part of that bigger philosophical debate: What are the proper roles of federal, state and local government in addressing juvenile crime?

Senators, Utah's justice system has improved significantly over the past 21 years. Many consider it a model system today. Any success we have enjoyed is the result of an effective federal, state and local partnership. Utah's commitment to raising happy, healthy children has been enhanced by JJDP funding, leadership, training and technical assistance. Still, Utah like other states, continues to battle overcrowded facilities, large caseloads for judges and caseworkers and a seemingly endless stream of troubled clients. Reauthorization of the JJDP Act, in some form, will not only help Utah as it struggles with these challenges, but will allow us to continue to improve the way we respond to delinquent youth and hold them accountable for their actions.

As I reviewed the JJDP Act in preparation for this hearing and spoke with several individuals who were instrumental in its creation, it dawned on me that I was nine years old when it was enacted. At age nine, I had no idea that children were serving time in adult jails or that they could be locked up for running from a dysfunctional family. Twenty-one years later, I am grateful these practices have virtually disappeared in our state. The original mandates in the JJDP Act deserve credit for many of those changes. Utah initially had reservations about joining the Act and being subject to its mandates. After much discussion, state leaders determined that it was in the state's best interest to forfeit some power in order to benefit from the new, national policy and the funding that accompanied it. That decision has served us well. The original mandates have become part of the fabric of Utah's juvenile justice system with very few exceptions.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)

In the 1970's, Utah's growing population and overcrowded facilities handled a disproportionate number of status offenders. Since the inception of the DSO mandate, we have steadfastly encouraged and added resources to handle this difficult social problem. Runaways, ungovernables, youth with mental health problems and many dependant youth have been better served in the social work community than in the corrections community. In 1993, Utah had only 28 instances of DSO noncompliance. That represents a 68% decrease since 1989. Approximately 70% of the 1993 DSO noncompliant incidents involved out-of-state runaway youth. Statewide detention admission guidelines have also increased Utah's compliance with the DSO mandate. In-state and Utah resident youth accused of committing noncriminal offenses may not be admitted to detention according to the guidelines.

SIGHT AND SOUND SEPARATION

Utah state law requires that law enforcement facilities that securely detain youth must obtain prior certification from the State Division of Youth Corrections (DYC). The law also states that DYC will develop standards by which to certify these facilities. The standards include provisions for sight and sound separation.

REMOVAL OF JUVENILES FROM JAILS

DYC receives a modest $53,000 annually from JJDP funds to monitor compliance and to assist in our jail removal efforts. DYC also obtained a JJDP grant to provide financial assistance to law enforcement agencies when it is necessary to bring in an off-duty officer to transport a youth to a youth service center, a juvenile detention center, or a shelter care facility in order to avoid detainment in a law enforcement facility. In 1993, only 17 jail removal violations occurred. This represents an 81% decrease in violations since 1988. Additionally, state statute indicates the law enforcement facilities may only detain "children who are alleged to have committed an act which would be a criminal offense if committed by an adult," thereby specifically prohibiting the secure detainment of status offenders and nonoffenders in these facilities. Certification, sight and sound separation and hourly requirements are enforced in the limited circumstances where juveniles are confined in adult jails. Willful failure to comply with any portion of the state's jail removal statute is a class B misdemeanor. It should be noted that as I report this information, DYC staff of ours are meeting with law enforcement and community members to plan for the annual onslaught of youth who migrate to the warmer climate of Southern Utah for spring break where there is great water, great scenery and miles of roads between jails. The use of JJDP funds has allowed this annual consolidated effort to place offending youth in temporary juvenile holding facilities instead of adult jails while awaiting parent or court involvement.

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SERIOUS YOUTH OFFENDERS

Utah has accomplished jail removal while recognizing that some juveniles are dangerous and require a lock up. Nationwide, there is a call for a greater 'waiver' of juveniles into adult systems. Utah has done its share of orchestrating what we believe to be both the consensus and common-sense approach to this. We do have the possibility of treating juveniles as adults under the Serious Youth Offender and Certification statutes in our state. However, we have been cautious and prudent in its use. In 1994, Utah waived 58 juvenile offenders to the adult system which was one-tenth the average national rate of waiver. There should not be a widening of the net by the federal government mandating to states which offenses should be waived nor should there by any attempt by the federal government to identify an age at which waivers should occur. These policy determinations are properly left with state legislatures.

Because Utah has been in compliance with the original mandates for over ten years, our funding has been primarily to fund alternatives to confinement and other innovative programs. As a result, the JJDP funds have, in effect, been block grants for Utah. This has worked well for us. Congress appears to be moving to block grants in other areas of government as a result of the role debate that it going on. Utah would support the reauthorization of the Act using formula based block granting. It is important to note that the vast majority of state and local government programs funded by the JJDP Act have been adopted by the state legislature, county commissions and city councils once federal funding has expired. Private programs have not been as successful in acquiring continuation funding.

DISPROPORTIONATE MINORITY CONFINEMENT (DMC)

The latest mandate within the JJDP Act has resulted in discussions and studies regarding overrepresentation of minorities in the system, but little has been accomplished in the way of solutions. The most likely reason for the lack of answers is that the mandate is inappropriately placed on juvenile justice systems. Utah's Juvenile Justice Specialist, Willard Malmstrom, has compared the minority overrepresentation phenomenon to the polio epidemic in the late 1940's. Placing a minority juvenile in a youth corrections program for a delinquent act and requiring the caseworkers to "fix" the fact that he or she is there is similar to blaming the doctors and nurses who treated polio victims at the hospitals for the children's contracting the disease. It simply makes no sense to burden the juvenile justice system with the responsibility of solving a much greater societal problem. The fact is, government cannot and will not solve this issue alone. It is incumbent upon families, churches, schools, communities and government to promote fair and equitable treatment of all individuals. This problem, while important, should not remain a mandate because states cannot comply with it in its present form. Funding would simply be held hostage while juvenile justice systems maintain a feeble effort to solve a much bigger societal problem. The following (or similar) language should be considered in place of the mandate as one of the purposes of the Act: "to provide for fair and equitable treatment of all offenders to assure that minority and ethnic youths are not placed at greater risk of being overrespresented by the practices and policies of the various components of the juvenile system." While no state has solved the DMC issue, awareness has increased and justice systems are trying to respond. In Utah, for example, the West Valley City Police Department is offering Spanish language classes to its officers so they can more adequately communicate with their Spanish speaking constituents.

In addition to the four enumerated mandates, the JJDP Act contains requirements not generally recognized as mandates but burdensome on states. One example involves the state advisory group composition in Section 223(a)(3) of the Act. In 1983 Governor Scott Matheson created the Utah Board of Juvenile Justice in response to this mandate. The executive order has not been renewed by any Governor nor has the Board been created in state statute since that time. In other words, there is very little current investment by state policy makers in this board. In this time of reengineering and streamlining government, the federal requirement that states maintain a distinct, large committee to determine and monitor grant awards seems counterproductive and duplicative. The Utah Commission on Criminal and Juvenile Justice is the Governor's designated agency to receive federal grant funds. It only makes sense that UCCJJ should be the entity to determine the make-up of the state advisory group and the method of grant review. In the event the federal government is unwilling to give states more flexibility in creating the advisory group, Congress should, at a minimum, review and streamline the makeup of the advisory group. Subsections (iv) and (v) are difficult to comply with because they require that at least one-fifth of the members be under the age of 24 at the time

of appointment and at least three members be appointed who have been or are currently under the jurisdiction of the juvenile justice system. It looks good on paper to involve young people in the decision making process; it has not been practical. Utah has had difficulty meeting this requirement because of the youth members' school requirements, lack of transportation, inability to meet during business hours or for the length of time necessary to conduct business.

The proper role of federal government in juvenile justice is to provide leadership, coordinate programs, serve as an information resource to states and provide technical assistance. If the JJDP Act is reauthorized, prevention should be emphasized and the federal office should concentrate on assisting states with the development of effective prevention programs. If Congress allocates grant monies for states, the requirements to qualify should be as least restrictive on states as possible. Block grants tend to promote that flexibility.

State and local governments are in the best position to respond directly to the needs of their citizens. In doing so, they must accurately define problems and issues and formulate responsible solutions and policies. Utah's commitment to maintaining a healthy juvenile justice system has been clear and unmistakable. We are constantly working to refine our system's strengths and resolve its weaknesses. The JJDP Act has been a valuable resource to Utah in the past and to the extent if fosters an equal partnership in the future, Utah will continue to participate.

Senator THOMPSON. Mr. Regier.

STATEMENT OF JERRY REGIER

Mr. REGIER. Thank you, Mr. Chairman, and I appreciate also the opportunity to appear before the subcommittee. As others have talked about what has changed in the world of juvenile justice since 1974, I am not going to take some time with that and I have put some of that in my testimony. Specifically, over the last 10 years, Oklahoma has seen an increase of 62 percent in serious violent crimes, so we are experiencing the same thing that other States are doing.

We believe that it is time to put, as I would say, new wine in new wine skins and build new approaches, new structures, to handle the challenge of this new environment because, as others have said, we believe also that problems are solved best by those closest to the problem and that they need to be tailored to communities.

When I arrived in the State of Oklahoma about a year ago, my home State, going back, I arrived there and the system was totally clogged up. We traveled around to about 30 communities talking to judges, law enforcement, community leaders, and the system was not responding at all and there were several reasons for that. I think two of them were that a couple of natural laws had taken over.

One was the domino effect. We have kids that are in our secure institutions that basically are averaging about seven felony convictions because they are put into secure confinement. We have longer lengths of stays in secure because of higher numbers of sex offenders, and so each of these things begins to impact the next. That causes placement backup of serious offenders.

So as I traveled around the State, I was running into kids that were in detention designed to hold kids 30 to 60 days and they were there for 300 days, 500 days, 600 days, without treatment, because of what had happened on the other end. On the other end, what had happened was Oklahoma was in a situation where a Federal lawsuit had been filed in 1978 for some very serious abuses that were taking place within the system, and it was correct to be filed at the time.

That lawsuit led to capping of secure beds, and so the State of Oklahoma went from 1,100 secure beds in the space of just a few years down to a federally capped 227 secure beds. We have a State that last year had 12,500 arrests for serious juvenile crime, and so you can see what has taken place. The domino effect has come back so that there is no room for the lesser offender, and mandates basically have hampered and restricted the ability to respond to the status offenders and the first-time offenders. We cannot sanction them effectively. Law enforcement has no time to handle it, and several people have already talked about that. Sight and sound jail removal precludes action.

So I believe what has happened in our State, then, is that this has led to what I call in my testimony an economic principle called the law of diminishing returns. This is a natural law, I think, that states that a solution applied to a problem works to the point that the problem adapts or changes in such a way as to make the original solution inoperable or ineffective. That is essentially what I think has happened to existing OJJDP mandates.

When this Federal lawsuit was brought into effect—and, again, it revealed some monstrous abuses within the system—it must be pointed out that the State of Oklahoma at the time was moving its own resources toward a community-based system, but what happened was a combination of the Federal mandates and the Federal lawsuit forced the State to go to a decentralized community-based system much more quickly than planned and too fast for the appropriate development of community-based services. What happened was it tilted to one side and the whole system kind of titled. Secure beds became capped and what I have referred to as the domino effect took over.

Communities must have alternatives, and other people have talked about this. Police officers have become babysitters for juveniles because they have no place to take the juvenile upon arrest. They are tied up for the 6-hour Federal-mandated time. What do they do after that, or if they have the 24 hours for the exception, which we do not have in our State?

Judges also have told across the State they needed the ability to do something to a kid on probation when they don't follow the rules. What happens, judges say, is that a 16- or 17-year-old walks out of the courtroom, crumples up the orders that they have just given them, throws them on the ground and walks out, knowing that there is no alternative to sanction these youth or to order them to community service or to even hold them in contempt.

Many of our communities, as a result, have started using municipal detention because they have got to have a place to take the kid, and we are working with these communities to try to come up with alternatives, intervention centers. We do have a very good system, 41 youth service agencies across the State that have been responsive to the status offenders and first-time offenders, but we continue to not have the space to really adequately take care of those at the front end of the system. As we all know, unless we are able to provide consequences to those on the first part of the system, those are the same kids that are going to end up in the rest of the system later on.

I planned to say some things about sight and sound separation, but I think that that has been talked about already. Again, we agree in principle with the sight and sound mandate, but what has happened is that it has caused the State to spend millions of dollars on separate juvenile facilities. In fact, right now we are in a major construction effort building six-bed detention centers, which are not the best in terms of economy of scale, around the State.

Again, the law of diminishing returns has taken over because we have judges who are waiving property offenders to the adult system because there is no detention space and no secure beds available. As I said, we are trying to correct that at this time.

I think that we should move beyond the mandates and build a system that is seamless, build a system that has a true continuum of consequences and care. I have listed several things that I would encourage the Office of Juvenile Justice and Delinquency Prevention to concentrate on as their mandate for their future. It basically is to build a wall of prevention—and I have stated some things that we are doing in the State of Oklahoma—build a reservoir of best practices.

Governor Frank Keating has just put out a document, "A Government as Good as Our People," where he specifically talks about this idea of creating best practices, and I think that that is a role that the Federal Government can play and has played.

Build capacity through technical assistance and information-sharing, and this is something I think OJJDP has performed well in the past, and build integrated information database systems. In the State of Oklahoma, we have a juvenile online tracking system we call JOLTS which is on the desk of all judges, prosecutors, juvenile service workers, and this has been a public-private partnership that has been very, very well received. I think that Federal leadership and Federal involvement to see that kind of thing go forward would be helpful.

In closing, just let me summarize by saying there is no more compassion or concern in the District of Columbia than in Oklahoma City. Oklahoma City, as you know, demonstrated their caring and compassion during the tragedy of the Oklahoma City bombing. It is today indelibly imprinted on all of our minds, an unfortunate tragedy that Oklahomans have responded to with grace, determination, resolve, and compassion. We also were the recipients of love, concern, and compassion from the people of America and the world, and we again say a grateful thank you for that.

But these same qualities, this resolve, this compassion, our people are going to apply and are applying to the issue of juvenile violence. We love our kids. We want to show them compassion and love, but we also want to show them accountable tough love and that is the kind of system that we are trying to build. We feel strongly that we don't need mandates to do the right thing. In fact, the legislature has recently enacted some laws to get around the mandates. They have created a third tier called youthful offender, and primarily it is for that purpose. It has actually passed the legislature, but if we move forward with that, we are going to see an increasing number of youth go into the adult system rather than being helped in the system as it is now.

We implore you to allow the creativity of States and communities to be unleashed, and we believe that in our State we are going to see, particularly in the faith community in which we are having some initiatives, a tremendous response.

Last, replace strings with light bulbs. We think that rather than even loosening the strings, the light bulbs in terms of forging a new partnership based on mutual respect and trust—Jefferson said if we provide the light, people will find their own way, and that is what we think we can do. Together, we can solve the problem and prepare for the coming onslaught or, better still, hopefully prevent it.

Thank you very much.

Senator THOMPSON. Thank you very much.

[The prepared statement of Mr. Regier follows:]

Jerry Paul Regier

Mr. Jerry Regier grew up in Clinton, Oklahoma. He graduated from Michigan State University where he received his B.A. degree in history and psychology. In 1989, he completed a year of academic study at Harvard University, John F. Kennedy School of Government, where he received his Master's Degree, the Master of Public Administration degree.

Mr. Regier is presently the Director of the Department of Juvenile Justice and the Deputy Director of the Office of Juvenile Affairs for the State of Oklahoma. He was appointed by Governor Frank Keating as part of the team to head the new Agency which was broken out of the Department of Human Services on July 1, 1995. He directs the Department of Juvenile Justice which has over 1000 employees statewide. The mission of the Agency is to provide protection of the public while reducing juvenile delinquency in the State of Oklahoma.

Mr. Regier has previously served in a variety of positions at the Federal Government level. His most recent position in the Federal Government was as Administrator of the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice. He provided leadership for the direction and implementation of all Federal policy and programs related to juvenile justice and the prevention of delinquency among the youth of America.

Prior to that position, He served for three years as the Acting Director of the Bureau of Justice Assistance (BJA) in the Department of Justice. BJA provides funds to state and local governments to enforce drug laws, reduce violent crime and improve the criminal justice system in the fight against illegal drugs. This included crime prevention programs and some ground breaking work in the area of community oriented policing. The Bureau has a budget in excess of 500 million dollars. He also served at the Department of Health & Human Services as Associate Commissioner for the Administration of Children, Youth & Families where he provided oversight to family & youth programs including the Runaway & Homeless Youth Program.

He left the Federal Government in January, 1993 to work as a management & public policy consultant for Soza & Company in Falls Church, Virginia and spent a year assisting cities in setting up and refining substance abuse prevention programs. He left that position to become President of *AgoraSpace USA, Inc.*, a social sports development company involved in bringing an outdoor multi-sports facility, the Agoraspace, to communities around America and particularly the inner city. The Agoraspace concept includes the youth building the facility, youth training in job skills and entrepreneurial opportunities, and ongoing involvement with local youth serving organizations and community residents.

In 1984, Mr. Regier established the Family Research Council in Washington D.C., a private nonpartisan public policy research and educational organization over which he presided as President & CEO for 4 years.

In 1988, Mr. Regier was appointed by the President of the United States to the National Commission on Children. The Commission was chaired by Senator Jay Rockefeller and presented its Report, Beyond Rhetoric:An Agenda for Children, four years later to the President.

Mr. Regier is a nationally recognized speaker on youth & family issues, and is also a frequent speaker on issues related to the criminal justice system and the juvenile justice system. Topics range from prevention of crime and delinquency, and the strengthening of the family, to community policing and intermediate sanctions. He has been contributing author and editor of a number of books including Values and Public Policy (1988), Parents and Children (1987), The Changing Family (1984), and Building Family Strengths (1983).

Jerry and his wife, Sharyn, have four children and lived in McLean, Virginia for over 20 years before moving to Oklahoma City, Oklahoma in July. They have been active in community and church activities including serving as the PTA President of McLean High School.

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Opening Remarks

I am honored by your invitation to appear before you today to consider the future role if any of federal mandates related to Youth Violence.

As brief background to my involvement in these issues, I have worked with young people and families in a variety of roles over the past 30 years. As a staff worker with an International Christian organization for 13 years I saw the impact of spiritual rebirth and spiritual values on the personal lives of young people and upon their future productive roles in society.

Over the past 15 years I have been involved in public policy development and administration including heading OJJDP for a period of time. Presently, I am the Director of the Department of Juvenile Justice for the State of Oklahoma, and the Deputy Director of the Office of Juvenile Affairs in which the Department resides.

As you know, the Juvenile Justice and Delinquency Prevention Act was enacted in 1974, and amended several times since then. Much has changed in the world of juvenile justice since 1974, but the major mandates of the Act have remained virtually unchanged for the past 22 years.

Over the years, the mandates have provided some positive goals to attain as well as direction and standards for the Nation. Unfortunately, when goals and directions are set, sometimes they are not revisited or reviewed in a timely manner and interpretations and regulations begin to strangle original intent. Therefore, there has developed a lack of clarity as to how these mandates match up with the type of youth we see in the system today.

- It's a new environment of juveniles that we deal with all across America.

  -Serious violent juvenile crime is skyrocketing.

  During the past 20 years the State of Oklahoma has experienced a steady increase in violent crime committed by Juveniles. This increase has been primarily in part 1 crime or serous crimes against persons. Specifically, over the past ten years, Oklahoma has a steep increase of 62% in serious violent juvenile crimes. Oklahoma is in the third quartile in juvenile violent crime rates according to "Juvenile Offenders and Victims: A Focus on Violence" (OJJDP, 1995).

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-Juveniles themselves have changed and are different.

The type of juvenile in our custody has also changed. They have no moral compass and are totally void of values, they show no remorse, and they have little desire to participate in treatment or educational services.

Rita Kramer, author of the book, At a Tender Age: Violent Youth and Juvenile Justice, recently wrote in a Wall Street Journal editorial (2/27/96) that the social programs of the 1960's set in motion a "terrible symbiosis of pathologies" which have led to the immature, irresponsible children without fathers or strong male authority figures who now show up regularly in our juvenile justice system. She writes "What those children learn in the gang culture is violence as a way of life..."

"The juvenile justice system designed in the early 1960's to cope with wayward youth who stole hubcaps and picked pockets, is as unable to contend with the remorseless young armed robbers and killers of California today as it was unable to curb the less threatening juvenile offender of New York in the 1980's."

The type of juvenile that we have in our Oklahoma residential programs is also much different then what we had in these programs designed in the early 70's. These group homes were structured as homelike as possible trying to promote family atmosphere, assuring that the youth were in a safe environment in a place where they could receive treatment services and educational services. But, today a tougher more hardened youth is placed in these facilities and it is not uncommon for staff to be attacked creating unsafe conditions.

In addition to the more aggressive, physically-violent youth towards staff, we also are receiving youth who are sexually and emotionally disturbed from long time childhood history of physical and sexual abuse to them personally.

Overall, it is very obvious to those of us in the business that the type of juvenile we have in our system today is completely different than those we had in the mid-70's. Todays youth have to be dealt with in an entirely different manner than the approaches used through the 70's and the 80's.

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- It's time to put "new wine in new wineskins" and build new approaches and structures to meet the challenge of this new environment.

  New approaches, creativity, and community involvement is a must in the juvenile justice system in the 1990's. It is time that we hold youth accountable from the early signs of delinquent behavior throughout their entire adolescent period within the juvenile justice system. The youth of today must realize that when they violate the law that there will be a consequence to that violation. That consequence will be swift and it will be certain.

  -Problems are best solved by those closest to the problem

  Communities and municipalities are tired of all the bureaucratic nonsense. They want to have the freedom to hold their youth accountable and let them know they won't tolerate unrestrained violence; and if delinquent behavior continues to occur with youth after community projects and restitution programs are completed, then a further consequence to a local Sanction-type program must occur so that there is even greater consequence than the previous consequence that they have ignored.

  -Solutions must be tailored to local conditions

  As I have traveled to over 30 communities in Oklahoma since arriving at the Department last May, one of the primary messages we have delivered is that we do not want to build a one-size-fits-all system. We want to restructure the Oklahoma system to be responsive and flexible to local desires & needs. Local leaders have responded very positively to this approach because new approaches are going to have to include local communities. They are the people that can best tailor solutions to their local conditions.

  The community of El Reno has begun a community service program to clean up and paint houses for elderly - handicapped or other unfortunate individuals within their community, and to maintaining parks so that youth have a place to have positive activity within their community that does not foster negative behaviors. These youth who violate the law should be able to participate in community projects that benefit their local communities and neighborhoods...and be seen by their neighbors as receiving the consequences of their actions.

- It s time to cut the strings from the federal government to the States.

  I will attempt to show in my remaining testimony why I believe that it is time to take a different approach to solving the rise in Juvenile Violence throughout our country....an approach that frees up communities and states to creatively solve their problems.

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Federal Mandates

There are certainly positives that have taken place for the Juvenile Justice System through existing mandates. However, the bottom line is to ask whether resources which are tied to implementing the mandates set up by the federal government are solving the problem which the mandates are intended to address? I believe that mandates are not the preferred approach for the following reasons:

- Mandates tend to only address one side of a problem

  -it's always "don't do something"

  -and then "come up with a solution"

  -Question: Are resources getting to the real solutions?

- Mandates restrict funding

  -spend the money the Federal way

  -however each State is different & unique

  -Question: Are resources getting to where the problem actually is?

- Mandates inhibit creativity & innovation

  -programs follow the money

  -Question: Are resources encouraging innovation?

- Mandates are costly to implement and enforce

  -Price to pay for the money may cost more than the benefit

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Existing Mandates have served their purpose

There is an economic principle called the Law of Diminishing Returns. This natural law states that a solution applied to a problem works to the point that the problem adapts or changes in such a way as to make the original solution inoperable or ineffective. Senator John Ashcroft during an earlier term in Congress in 1980 expressed it another way by describing current law [and mandates] as "a cure worse than the disease." This is essentially what has happened to existing OJJDP mandates.

1) Deinstitutionalization of Status Offenders

- States have completed the job.

The National Academy of Sciences conducted a comprehensive study of the federal DSO effort during the period of 1979 - 1982 to assess the results and one of their five conclusions was, "the placement of status offenders in secure public facilities has been virtually eliminated..." ("Deinstitutionlization of status offenders In Perspective" Pepperdine Law Review, Nov. 2, 1991, Robert Sweet).

- Community based is most cost effective for treatment of juveniles

Many states have gone the next step and created community based services for status offenders and for early delinquents. They have also created community-based programs for adjudicated juveniles in the custody of the state. They are program effective as well as cost-effective.

- The Oklahoma experience

The State of Oklahoma in 1972 had approximately 1100 beds for youth in secure institutional care. In 1975, a system was implemented (by what was then referred to as Court-Related and Community Services and now referred to as the Juvenile Services Unit) to provide court intake and court probation and after-care services for youth and the courts in all 77 counties statewide. This system was implemented to provide equal access to understanding the legal and constitutional rights, equal access to services, and equal access to representation in the courts through legal services.

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Between 1975 and 1978, the number of youth penetrating secure institutional care had dropped to approximately 700 youth within a three-year time-frame of developing & providing community services in most of our communities.

In 1978, the state of Oklahoma was sued for abusing youth in secure institutional care. This was the beginning of a federal lawsuit known as "Terry D." which is still in existence in 1996. It was a needed suit at the time and tragically revealed monstrous abuse and mistreatment in the system. However, it must also be pointed out that the state of Oklahoma was moving its own resources within the state to deinstitutionalize youth to a community-based system. They were moving in the right direction as a system although there were found to be abuse within the system.

However, with the new involvement of the federal court and new federal mandates, the state of Oklahoma was forced to go to a decentralized community-based system more quickly than planned and too fast for the appropriate development of community-based services. Would the state have reached a balanced system without the intervention of the federal government? Probably yes. However, what occurred was that the federal government pushed so hard that the system tilted to one-side rather than becoming a balanced system. They capped secure beds at a time when violent juvenile crime was increasing.

This has created frustration and anger among the public, the communities, and the legislature and set a tone of direction to become much tougher legislatively on juveniles. Again, the possibility exists to throw the system off balance the other way, but something must be done!

The legislature has fought long and hard with the federal government to finally raise the federally-imposed cap of 227 secure beds and obtain the go-ahead to add 70 secure beds bringing the state to a total of approximately 300 beds in 1996 compared to 1100 in 1975. This is in a State where we had 12,500 arrests last year for serious juveniles crimes!

I am convinced that the Oklahoma experience has teetered very close to being a disaster because of the rub between federal and state government. It is time for the state of Oklahoma to regain control of its system and that is exactly what we are doing by bringing our system into substantial compliance with the Consent Decree. We hope to reach this goal in the coming 2 weeks and then see the Terry D. suit dismissed after a final 6 months of monitoring.

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2) Removal of Juveniles from Adult Jails

- States have responded

Jail removal has been very positive in the state of Oklahoma. It has become a very costly program in that we have built completely separate facilities for juvenile detention. We cannot continue to build these juvenile detention facilities due to the cost and expense of separation of physical plant.

We also believe that juveniles who have been charged with certain heinous crimes should be exempt from the jail removal mandate. Murder, attempted murder & drive by shootings are examples.

- Communities must have alternatives

Police officers have become babysitters for juveniles because they have no place to take the juvenile upon arrest. They are tied up for the 6 hour federal mandated time for processing but what do they do after the 6 hours?

Judges also need the ability to do something to a kid on probation when they don't follow the rules. We have 16 and 17 year old juveniles who crumple up the judges orders as they walk out of the courtroom, knowing there is nothing that will be done to them. They must have alternatives in order to sanction these youth, or order them to community service or hold them in contempt.

The alternatives unfortunately have become crisis stop-gaps to deal with critical situations because there is not appropriate detention services available. This is watered down our alternative programs to some extent and have put inappropriate youth in those programs.

Many of our communities are starting to use municipal detention because municipal detention solves the "Where do I take this Kid?" question. It does not have to be a cell, but it has to be a place, a certain consequence, or the judge, the police, the citizens are only speaking empty words. But where will that place be? That is our dilemma.

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- The Oklahoma Solution - Community Intervention Centers (CIC)

One of the potential solutions in Oklahoma is to implement a more appropriate screening process to make sure the type of juvenile who can be worked with in the community receives some consequence as well as the juvenile who needs to be in secure detention.

Presently a task group composed of the Municipal League D.A.'s, Youth Services and our State Juvenile justice are designing a new program, the Community Intervention Centers located in our metropolitan counties as well as scattered strategically in rural Oklahoma. The purpose of these programs would be that when a youth is arrested by law enforcement or found to be abandoned, or found to be on the streets living alone, they can be sent immediately to, or dropped off at a CIC for an appropriate assessment and a screening and a review of the situation. This would enable the system to appropriately identify, assess, and place juveniles who are under a crisis situation or who are in need of services.

3) Sight & Sound Separation

- States convinced

Youth need to be sight and sound separated from adult prisoners. We have obviously not experienced the abuse of adults upon juveniles since we removed youth from adult jails in the early '80's; however, as we continue to see mounting problems both in the juvenile and adult correctional systems, we must find ways to better provide services in the most cost effective means possible with the state and the communities.

- Co-location better than waiving

Several jails have been built in the state of Oklahoma over the past 10 years that were designed for sight and sound separation amongst juveniles and adults. We have a jail in Midwest City with separate cells that meet strict federal regulations, as well as in Enid. We also have a new detention center in Idabell that could co-locate juveniles and adults.. However, we have had direction from the federal government that this is not appropriate and the facilities must be completely separated. The rule is they must have separate programs, separate food, separate staff, and separate facilities.

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Therefore, we are in the process of building separate 6-bed detention facilities for juveniles which are expensive because of small economies of scale. This has cost the state of Oklahoma millions of dollars that could have been saved and perhaps even gone to prevention had we been able to co-locate facilities with sight and sound separation for both temporary jailing as well as longer term detention.

We have judges who are waiving property offenders to the adult system because that is no detention space & no secure beds available. We are correcting this through constructing new beds, but it illustrates how mandates force alternatives that are worse than the original cure.

- Oklahoma Youthful Offender Act

One of the responses to this problem by the state of Oklahoma has been the passage of the Youthful Offender Act which is basically creating a new category of offender. These are youth who are not amenable to certain types of programs in the juvenile system, but we are trying to give them one last chance before waiving them to the adult system. This will create more youth being treated as adults than has ever taken place in the state in the past, but we must maintain public safety as many of these kids are now home on probation awaiting placement.

The Oklahoma Youthful Offender Act was created in order to deal with youth that were not being dealt with in the juvenile system due to federal mandates and federal court directives. It is expensive to create a third offender system just to get around federal mandates. This is one of the big reasons why we in Oklahoma think it is time to remove federal mandates and let states run their own program.

4) Minority Over-Representation

Initiative began in 1988 and was made a federal mandate in 1992. A study was published in late 1993 analyzing this issue in the state of Oklahoma. This study indicated that African-American juveniles represent 9.6% of the juvenile population in Oklahoma and comprise 25% of all juvenile arrests. Native American juveniles on the other hand comprise 11.2% of the juvenile population yet only 5.1% of the total arrested.

Unfortunately, many of these minority youth in the state of Oklahoma are following family tradition. Typically they have an older brother or father or uncle already in the system.

One African-American mother who I recently talked with has four children she is

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responsible for. I will use fictitious names. Joe is 24 and went through the juvenile system and now is in the adult system serving 60 years. Billy is 23 and also went through the juvenile system and is now serving 25 years in the adult system. Bobby is 18 and has just been released from 3 years in secure care in the juvenile system. Fortunately, he is now involved in a gang intervention program and doing quite well. Can we break the cycle with him? or can we break it with David, the 13 year old who has just been suspended from school? We must!....but...

- Quota's are not the answer

Youth are placed in the system based on their acts, not their race. We do not plan to go out and arrest more Native American youth to get their numbers up, nor will we cease arresting African American juveniles who commit crimes. Youth are arrested and adjudicated based on their acts, not their race. Violent acts especially require the protection of the public. But, the answer to this is to ensure prevention monies get to the right neighborhoods and families so we can actually reduce the percentage of African-Americans coming into the System..

- Prevention is the answer

The answer to this problem is earlier intervention and prevention services. The families must be identified and provided proper services so that the younger youth in these homes do not continue to follow the same path that the older individuals within the family have chosen. The cycle must be broken by working in targeted areas in order to reduce the minority youth in the juvenile justice system. This can only be done through communities and agencies closely related to these families.

In Oklahoma we have begun a parent support network made up of parents whose children are in the juvenile justice system. It is our plan to work with these parents and the younger siblings with the help of delinquency prevention & gang intervention monies to prevent further minority youth from penetrating the system. This is our plan to reduce minority over-representation and I believe we will succeed.

This is part of a Wall of Prevention that we are building. Mandates won't build this Wall. Mandates only tell us we should build the Wall and after administrative task upon administrative task, the over-representation will still remain. We plan to build this Wall with the help of Faith, Community, and the families themselves.

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Beyond the Mandates

We must build a juvenile justice system that is seamless. One that has a true continuum of consequences and care. The following are areas that I believe OJJDP should concentrate on as their mandate for the future.

1) Build a Wall of Prevention

Everyone talks about prevention and the earlier the better; but, I believe we must define what bricks make a Wall of Prevention which will stand solid and high at the front end of the juvenile justice system itself.

In Oklahoma we are designing and building this Wall with bricks that are generally found in the lives of youth from intact two-parent families, but generally missing from the youth we deal with. DiIulio has called these youth, "superpredators born of abject moral poverty." He goes on to define this moral poverty as "growing up surrounded by deviant delinquent, & criminal adults in chaotic, dysfunctional, fatherless, godless and jobless settings..."

The bricks I am talking about are:

- Character
- Accountability
- Literacy
- Skills
- Alcohol & Drug Prevention

(Attached is a copy of chart illustrating this Wall of Prevention)

We are designing a state-of-the-art Diagnostic and Evaluation so that all youth coming into our custody will be appropriately placed the first time. Also, the 41 Youth Service Agencies in our State are critical to building this Wall.

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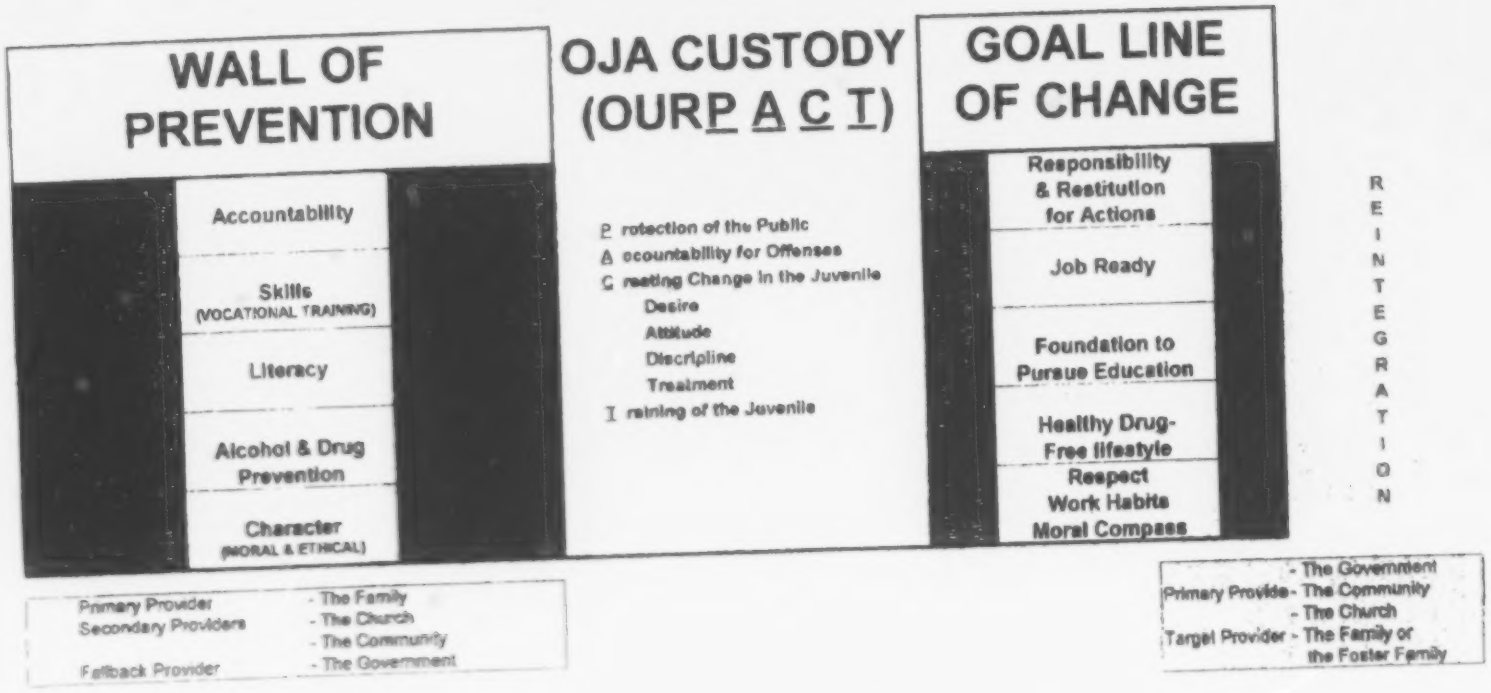
State of Oklahoma - Office for Juvenile Affairs

Juvenile Justice System



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Build A Wall Of Prevention

("Bricks" in the Wall)

Character Building

- Moral & Spiritual
- Work Ethic
- Respect for Authority
  for People
  for Diversity
  for Property
  for God
  for Country
- Discipline
- Purpose & Heritage
- Hope

Alcohol & Drug Prevention

- Understanding
- Zero tolerance
- Self-respect
- Guidance
- Healthy Lifestyle alternatives

Literacy

- Individual guidance
- Reading (Phonics-based)
- Writing
- The world of books

Skills Building

- Attitude
- Vocational testing
- Exposure to options
- Vocational training
- Apprenticeship & Intern Opportunities
- Citizenship (Law abiding & tax paying)

Accountability

- Responsibility (Admission & Apology)
- Repayment (Community Service)
- Restitution (Victim Repayment)
- Re-Earn Trust (Protection of the Public)
- Re-Earn freedom (Independent Living)

2) Build a Reservoir of Best Practices

- Oklahoma Governors Initiative

"A government as good as our people" talks about the need to develop and spread "Best Practices." We can learn from one another and OJJDP can be a coordinator to bring this information together.

3) Build Capacity through technical Assistance & information sharing

This is a vital role for the federal government to play and one that OJJDP has performed well in the past. Utilize the best experts in juvenile justice and facilitate these experts going out into the field to work with states and facilities on the front lines. Send these experts out along with Staff to be true partners in a "Just do it" campaign rather than a continued "I gotcha" campaign.

4) Build Integrated Information Data Base Systems

- Juvenile on-line Tracking System (JOLTS)

Oklahoma is fortunate to have built an integrated data base over the past 4 years. All participants in the system have access to the data, based on their clearance level and "need to know" ... and that access is right on their desk through a PC. This includes judges, D.A.'s, Youth Service Agencies, secure institutions, and juvenile service workers.

This data base will allow us to plan effectively for 5 years out, and I believe OJJDP could assist states in developing these types of systems

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Final Comment

In closing, let me summarize by saying:

- There's no more compassion or concern in DC than there is in OC

  As all of you know, the people of Oklahoma demonstrated their caring and compassionate spirit during the tragedy of the Oklahoma City bombing. It is a day indelibly imprinted in all of our minds...an unfortunate tragedy that Oklahomans have responded to with grace, determination, resolve, & compassion. And, we also were recipients of love, concern and compassion from the people of America and of the World. And, we again say a grateful thank you.

  These same qualities are being applied by our people to juvenile violence. We love our kids. We want to save our kids through compassionate love as well as accountable tough love. We know we can do it.

- We feel strongly that we don't need mandates to do the right thing

  We know what is the right thing to do. We will do what is right for kids and for our society.

  -Don't take our taxes and then set enforcement rules in order to penalize the source of the taxes.

  -Don't make the Process cost more than the benefits derived (example: Sac & Fox boot camp planning grant)

- We implore you to allow the creativity of States & Communities to be unleashed

  -government will not solve the juvenile crime problem

  We all know this is true, but we act many times as if it all depends on us. Government has an important role to play, but it is "...of the people, by the people, and for the people."

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-Communities, churches, & individual families will solve the juvenile crime problem.

We are developing an initiative in concert with key community leaders to enlist the community as full partners in reaching our at-risk youth and we are beginning with churches. The response has been exciting and we are excited to unleash this resource.

- Replace strings with light bulbs.

-states will no longer be puppets on strings

The days of Big Government and Big Brother are over. We now need to forge a new partnership based on mutual respect and trust.

-Shed light on the problem of rising juvenile violence & crime by sharing solution oriented information.

Thomas Jefferson said, "If we provide the light, the people will find their own way."

If we don't together solve the problem of rising juvenile violent crime now, it will inundate all of us in the future. We all know this. We must now work together to re-craft our solutions and approaches to prepare for the coming onslaught.

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Senator THOMPSON. Ms. Patricia West, director of the Virginia Department of Youth and Family Services.

STATEMENT OF PATRICIA WEST

Ms. WEST. Thank you, Mr. Chairman, for the opportunity to be here today, and I am particularly happy to be here on the day after Virginia just passed sweeping juvenile justice reform that we hope will be a model for other States to follow. That passed at about 5:30 yesterday evening, so we are very happy about that and hope that that will be the beginning of Virginia's ability to deal and cope with juvenile offenders.

I wanted to discuss JJDP first in terms of the State sovereignty issue. The Juvenile Justice and Delinquency Prevention Act does not recognize that States are diverse and that one size does not fit all. Within States like Virginia and most other States, there is a wide disparity in resources and types of offenders and between urban, suburban, and rural localities. The States should be granted the flexibility to determine what works best for their particular situation.

Compliance with JJDP is hindered by stringent, nonflexible, and burdensome regulations that do not recognize individual circumstances and changing conditions. One factor, in particular, that affects Virginia's ability to comply is detention overcrowding. Secure detention admissions in Virginia are climbing annually. In 1995, they were up 17 percent over the previous year. In the last fiscal year, secure detention use was at 136 percent of capacity. The increase is largely a function of more delinquency intakes at the courts which reflect an increase in juvenile crime in Virginia.

You have the handout I provided. There is a graph that shows the detention admissions and the upward trend, as well as the indicators of Virginia's juvenile justice trends showing a population increase in the 10- to 19-year age category of 16 percent and juvenile arrests overall up 29 percent since 1988.

With those things in mind, the problem is a very serious one and we appreciate the fact that this act will be looked at by the U.S. Congress this year in an attempt to deal with those needs. Several of the mandates need to be reformed. The first is ensuring that juvenile offenders are not held in secure adult facilities for more than 6 hours unless charged with a felony offense in the adult court system.

The issues for Virginia surrounding this mandate include requiring localities to transport offenders to specialized juvenile detention centers. It also involves guaranteed access to secure juvenile detention for public safety risk to juveniles. That is not available in all of our communities. In fact, 32 out of 136 localities in Virginia do not have guaranteed access to detention bedspace. What that means, in reality, is that many hours are spent by court service unit employees on the phone literally begging other detention homes to take placements for their locality. Those hours could be better spent providing services to the juveniles.

These localities are further hindered in their efforts by the practice of bumping juveniles. If a participating jurisdiction has a juvenile that needs to go into a detention home and a nonparticipating

juvenile is already there, they will bump back the juvenile from the nonparticipating jurisdiction, regardless of crime.

You could have someone going in for burglary who is bumping someone out who is in there for malicious wounding. It does not look at the type of crime, but it is a real serious problem for us. So the access to detention is a very serious problem and the mandates cause us more of those problems.

The lack of facility access results in some juveniles being transported long distances out of their community to be confined. It is not unusual for a sheriff to have to transport a juvenile 3 or 4 hours one day, only to have to return for them 2 days later for a detention hearing. If the judge determines that detention is appropriate, then the sheriff makes that round trip once again.

Post-dispositional detention is virtually nonexistent in Virginia. Many judges have expressed the desire to use short jail sentences as a tool to deliver a message without having to send a juvenile away from his home to a community State facility. Virginia law, tracking Federal mandate, does prohibit the jailing of juveniles, except those transferred to circuit court for certain felony offenses. However, juveniles charged with delinquent offenses can be placed in adult jail for 6 hours by a detention home administrator, or longer by a judge if the juvenile is considered a threat to public safety.

Virginia has determined in at least this case that the requirement of JJDPA is so inappropriate for our State that we have had to carve out an exception in the code. It is not a large or expansive exception, but nonetheless it is one that we feel necessary, but puts us out of compliance with the act.

The second mandate ensuring that when delinquent offenders are held in an adult facility they are kept sight- and sound-separate from adult offenders also causes problems. Although it is agreed that juvenile populations should be kept separate from adult populations, the requirement of absolute sight and sound separation places an unwieldy burden on many localities. Occasional violations, particularly those involving incidental contact with adult prisoners, are not harmful to youth and should be eliminated. The result of this requirement forces local jails to underutilize space that could otherwise be used to alleviate overcrowding.

Finally, ensuring that status offenders are not held in secure facilities with delinquent or criminal offenders unless adjudged to be in violation of a valid court order also presents a problem. Judges have expressed that oftentimes it would be appropriate and desirable to place status offenders in detention, for many reasons. Several of those reasons include unstable home settings, incorrigible behavior posing a risk to the juvenile himself, availability for court hearing jeopardized due to runaway behavior, and containment of runaways would facilitate the assessment of underlying reasons causing the runaway behavior.

It has never made a lot of sense to me that you cannot detain a runaway, since it is their very behavior that is probably going to cause them not to show up for court the next day and not be available to receive the services that they would need to address their problems.

Rural jurisdictions often lack alternative placements appropriate for these at-risk status offenders, and most jurisdictions lack suitable alternatives for inebriated juveniles. It also hampers truancy enforcement efforts not to be able to contain or detain these juveniles.

The recent Joint Legislative Audit Review Commission studied 3,000 juvenile court records from court service units across our State and found that "over one-half of the first-time status offenders were rearrested or returned to the court service unit within a 3-year period." That same study found that "approximately 85 percent of these noncriminal offenders who recidivated were later charged with an offense more serious than a status offense." The ability to intervene with these status offenders in a meaningful way early on, I think, is very key to the recidivism problem. If we can deal with them early on, we are more likely to be able to prevent them from getting back into the system.

I would like to end by saying that I do not believe that easing JJDP mandates will result in the wholesale placement of juveniles in audit facilities or large numbers of status offenders being placed in detention, but that individual States should be allowed to assess their own needs and circumstances and make that decision for themselves, the decision of what is in the best interest of the State and its juvenile population.

Thank you.

Senator THOMPSON. Thank you very much, Ms. West.

[The prepared statement of Ms. West follows:]

Issues Related to Compliance with the
Juvenile Justice and Delinquency Prevention Act
-Virginia's Perspective-
Presentation to the Subcommittee on Youth Violence
of the US Senate Judiciary Committee

TESTIMONY OF MS. PATRICIA WEST
DIRECTOR
VIRGINIA DEPARTMENT OF YOUTH & FAMILY SERVICES
MARCH 12, 1996

STATE & LOCAL GOVERNMENT SELF-DETERMINATION

Thank you for the opportunity to present Virginia's perspective regarding compliance issues related to the Juvenile Justice and Delinquency Prevention Act.

When looking to reform legislation such as the JJDP Act, I would ask the committee to keep in mind the overall issue of self-determination for state and local governments. Although the federal government has a role to play in setting standards and setting forth general policy considerations, sometimes the most well meaning regulations do not recognize the realities of implementation. By limiting mandates and regulations and adhering to the principle of self-determination, effective reform could be realized without comprising juvenile safety.

The JJDP Act does not recognize that states are diverse and one size does not fit all. A program that works in New York or Texas does not necessarily mean that program will work well in Virginia or Tennessee.

To take it down another level, what works in one area of a state may not work in another area. Within states like Virginia there is a wide disparity in resources and types of offenders between urban, suburban and rural localities. Localities in Northern Virginia have more resources to deal with problems than localities in Southwest Virginia. Also, the types of offenders in Richmond are much different than offenders in Roanoke.

Federal programs such as the JJDP Act should recognize such diversity. In addressing this problem, states should be granted flexibility to determine what works best for their particular situation. Compliance is hindered by stringent, non-flexible, and burdensome regulations that do not recognize individual circumstances and changing conditions.

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MANDATES IN NEED OF REFORM

In addressing juvenile justice reform, several mandates should be examined for their effectiveness. Virginia's compliance with the JJDP Act mandates has many consequences.

The first mandate I would like to address is requiring states to ensure juvenile offenders are not held in secure adult facilities for more than six hours unless charged with a felony offense in the adult court system.

This mandate requires that juvenile offenders be transported to specialized juvenile detention centers. Deputies, who could otherwise be patrolling our streets, spend a great deal of time transporting juveniles across many miles just to find an open bed.

Guaranteed access to secure juvenile detention for public safety risk juveniles is not available to all communities. Presently, thirty-two of 136 localities in Virginia do not have guaranteed access. Many hours are spent by court service unit employees on the phone begging for placements in detention homes - hours that could be better spent providing services to juveniles.

These localities are further hindered by the practice of "bumping" juveniles from non-participating jurisdictions for admission of juveniles from participating jurisdictions regardless of the crime committed. Lack of facility access results in some juveniles being transported long distances (out of their community) to be confined. Post-dispositional detention is virtually non-existent in Virginia, and many judges have expressed the desire to use short jail sentences as a tool to deliver a message without having to send a juvenile away from his home and community to a state facility.

As the enclosed charts show, secure detention admissions in Virginia are climbing annually - in 1995 they were up 17% over the previous year. In the last fiscal year secure detention use was at 136% of capacity. This directly affects a locality's ability to place juveniles. This increase is largely a function of more delinquency intakes at the courts which reflects the increase in juvenile crime in Virginia. As the number of juveniles who need to be detained increases, so does the state's need for flexibility in where they can detain juveniles.

Virginia law, tracking the federal mandate, prohibits the jailing of juveniles, except those transferred to circuit court for certain felony offenses. However, juveniles charged with delinquent offenses can be placed in an adult jail for six hours by a detention home administrator and in excess of six hours by a judge, if the juvenile is considered a threat to the safety and security of the staff or residents of the secure

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facility. In this instance Virginia Code violates Section 223 (a) (14) of the federal JJDP Act. The conscious decision was made by the Virginia General Assembly that it is not in the best interest of the Commonwealth to comply with this provision of the Act.

The second mandate this committee should review is the requirement that when delinquent offenders are held in an adult facility they are kept "sight and sound" separate from adult offenders.

Although it is agreed that juvenile populations should be kept separate from adult populations, the requirement of absolute "sight and sound" separation places an unwieldy burden on many localities. Occasional violations, particularly those involving incidental contact with adult prisoners in booking areas, hallways, etc. are difficult to prevent altogether and are not necessarily harmful to youth. The result of this requirement forces local jails to under-utilize space that could otherwise be used to alleviate overcrowding.

The committee should also re-evaluate the requirement that status offenders not be held in secure facilities with delinquent or criminal offenders unless adjudged to be in violation of a valid court order.

Localities need the ability to detain status offenders in a secure environment. Status offenders likely come from unstable home settings and often pose a risk to themselves. Their availability for court hearings is jeopardized due to runaway behavior, and detainment of runways is desirable to facilitate assessment of and treatment for underlying problems causing the runaway behavior.

Furthermore, rural jurisdictions often lack alternative placements appropriate for these at-risk status offenders, and most jurisdictions lack suitable alternatives for inebriated juveniles. This mandate also hampers truancy enforcement efforts.

A recent study by the Virginia Joint Legislative Audit and Review Commission reviewed 3,000 juvenile court records from court service units across the state and found that "over one half of first time status offenders were rearrested or returned to the court service unit within a three year period."

That same study found that "approximately 85% of these noncriminal offenders who recidivated were later charged with an offense more serious than a status offense." More flexibility to deal with these offenders when they have their first exposure to the court system would enhance our chances of successful intervention.

Once again, thank you for your invitation to present Virginia's perspective concerning the Juvenile Justice and Delinquency Prevention Act.

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Issues Related to Compliance with the Juvenile Justice Delinquency Prevention Act

Virginia's Perspective

Presentation to the Subcommittee on Youth Violence of the US Senate Judiciary Committee

March 12, 1996

OVERALL ISSUE OF SELF-DETERMINATION

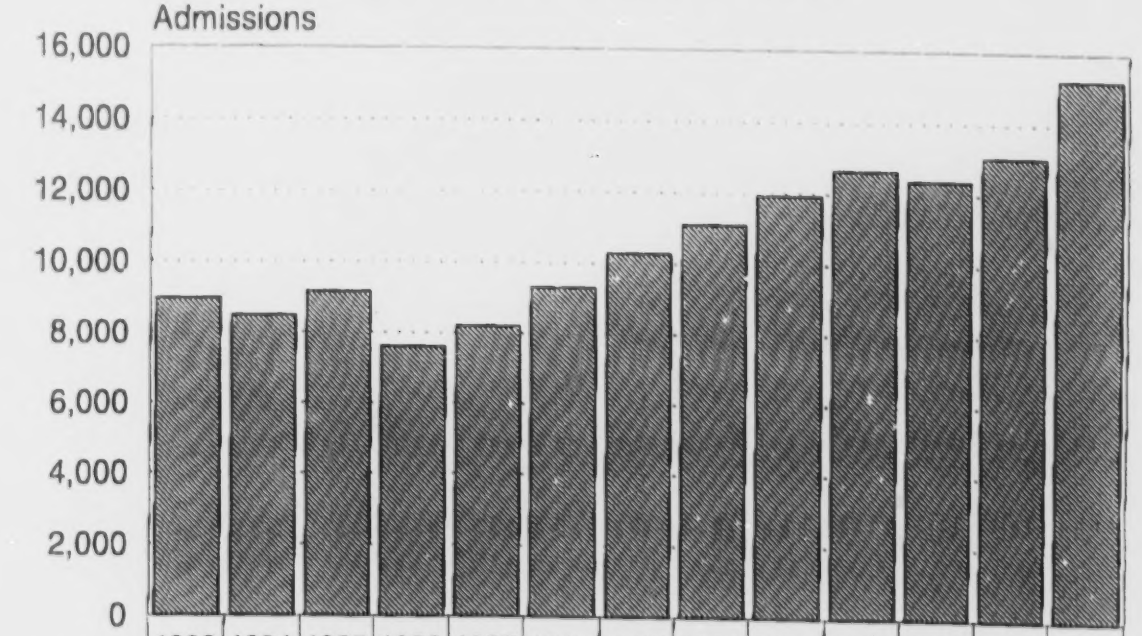
- JJDP Act does not recognize that states are diverse and one size does not fit all
- Within states like Virginia there is a wide disparity in resources and types of offenders between urban, suburban and rural localities
- States should be granted flexibility to determine what works best for their particular situation
- Compliance is hindered by stringent, non-flexible, and burdensome regulations that do not recognize individual circumstances and changing conditions
- One factor that affects Virginia's ability to comply is detention overcrowding:
  - Secure detention admissions in Virginia are climbing annually - in 1995 they were up 17% over the previous year
  - In the last fiscal year secure detention use was at 136% of capacity
  - Increase is largely a function of more delinquency intakes at the courts which reflects the increase in juvenile crime in Virginia

102

97

Secure Detention Admissions

Fiscal Years 1983 - 1995



	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Admissions	8,950	8,478	9,143	7,588	8,186	9,298	10,263	11,080	11,908	12,647	12,373	13,064	15,224

103

98

Key Indicators of Virginia's Juvenile Justice Trends

Indicator	Time Period	Percent Growth
Population (ages 10-19)	1990-2000	16%
Juvenile Arrests	1988-1994	29%
Murder		86%
Forcible Rape		8%
Robbery		33%
Aggravated Assault		101%
Narcotics Distribution		209%
Juvenile Intake Complaints	1988-1995	51%
Detention Admissions	1988-1995	64%
Court Supervision	1992-1995	25%
JCC Admissions	1988-1995	36%

104

66

SEVERAL MANDATES NEED TO BE REFORMED

I. Ensuring that juvenile offenders are not held in secure adult facilities for more than six hours unless charged with a felony offense in the adult court system.

Compliance Issues

- Requires localities to transport offenders to specialized juvenile detention centers
- Guaranteed access to secure juvenile detention for public safety risk juveniles is not available to all communities
- Thirty-two of 136 localities in Virginia do not have guaranteed access
- Many hours are spent by court service unit employees on the phone begging for placements in detention homes - hours that could be better spent providing services to juveniles
- These localities are further hindered by the practice of "bumping" juveniles from non-participating jurisdictions for admission of juveniles from participating jurisdictions regardless of crime committed

105

- Lack of facility access results in some juveniles being transported long distances (out of their community) to be confined

- Post-dispositional detention is virtually non-existent in Virginia and many judges have expressed the desire to use short jail sentences as a tool to deliver a message without having to send a juvenile away from his home and community to a state facility

- Virginia law, tracking federal mandate, prohibits the jailing of juveniles, except those transferred to circuit court for certain felony offenses

- However, juveniles charged with delinquent offenses can be placed in an adult jail for six hours by a detention home administrator and in excess of six hours by a judge, if the juvenile is considered a threat to the safety and security of the staff or residents of the secure facility

- In this instance Virginia Code violates Section 223 (a) (14) of the federal JJDP Act

101

106

II. Ensuring that when delinquent offenders are held in an adult facility they are kept "sight and sound" separate from adult offenders.

Compliance Issues

- Although it is agreed that juvenile populations should be kept separate from adult populations, the requirement of absolute "sight and sound" separation places an unwieldy burden on many localities

- Occasional violations, particularly those involving incidental contact with adult prisoners in booking areas, hallways, etc. are difficult to prevent altogether and are not necessarily harmful to youth if they are not actually housed with adult inmates

- The result of this requirement forces local jails to underutilize space that could otherwise be used to alleviate overcrowding

107

102

III. Ensuring that status offenders are not held in secure facilities with delinquent or criminal offenders unless adjudged to be in violation of a valid court order.

Compliance Issues

- Need for the secure detainment of incorrigibles and runaways
  - -Unstable home setting
  - -Incorrigible behavior poses a risk to self
  - -Availability for court hearing jeopardized due to runaway behavior
  - -Containment of runways would facilitate assessment of underlying reasons causing the runaway behavior
- Rural jurisdictions often lack alternative placements appropriate for these at-risk status offenders
- Most jurisdictions lack suitable alternatives for inebriated juveniles
- Confinement of Interstate Compact juvenile runaways from other states
- Hampers truancy enforcement efforts

108

103

- Recent Joint Legislative Auditing Review Commission study of 3,000 juvenile court records from court service units across the state found that "over one half of first time status offenders were rearrested or returned to the court service unit within a three year period"

- That same study found that "approximately 85% of these noncriminal offenders who recidivated were later charged with an offense more serious thar a status offense"

ADMINISTRATIVE ISSUES

Compliance monitoring and reporting requirements should be reduced for states such as Virginia, with state codes which prohibit the practices for which compliance monitoring is required.

Virginia dedicates one .75 FTE to JJDP compliance monitoring functions States, such as Virginia, which have met these requirements should not have to continuously document compliance through a comprehensive monitoring system. There are a few states which have not achieved compliance with the core mandates of the Act and other states which have experienced temporary compliance problems. *For these states, a separate title of the Act should be created which funds compliance improvement efforts. The current strategy of reducing funding by 25% for each area on non-compliance and requiring that all remaining funds be dedicated to compliance improvement is unnecessarily punitive. States, such as Virginia, which provide the opportunity of multi-year funding for pilot projects must withdraw these commitments. This action has the potential to destroy local programs and erode confidence of the localities in the state planning agency. Virginia is currently faced with this potential because of violations in one locality which appear to be a violation of Virginia Code and which will be remedied in the very near term by the opening of a new juvenile facility. OJJDP is working with Virginia in evaluating this situation, and we are confident funds will not be lost.*

The presently narrowly defined compliance regulation focuses state resources and efforts in a manner which does not improve juvenile justice. The focus of compliance monitoring should be on assuring that juveniles are held in accordance with constitutional requirements.

Of particular concern are issues regarding: classification and separation, health and mental health care, access to counsel, the courts and family, programming, education and recreation, training and supervision of institutional staff, environmental, sanitation, and overcrowding, restraints, isolation, punishment and due process, safety for staff and confined youth.

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§5035. Detention prior to disposition

Title 18 Crimes and Criminal Procedure

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light sanitary facilities, bedding, clothing recreation, education, and medical care, including necessary psychiatric, psychological and other care and treatment."

111

106

Senator THOMPSON. Mr. Robert Schwartz, chairman, American Bar Association's Juvenile Justice Committee.

STATEMENT OF ROBERT G. SCHWARTZ

Mr. SCHWARTZ. Mr. Chairman, thank you very much for your invitation to the ABA to speak to you this morning about JJDPA. I have been designated by the ABA president to represent the association today. I also come to you as the Chair of the Juvenile Justice Committee, which I have been Chair of for the last 4 years. For the last 5 years, I have been a member of our State advisory group under both Democratic and Republican administrations, and I am in my 21st year of representing children at the Juvenile Law Center in Philadelphia, where we have represented many of the kinds of children that have been described to you today.

From the perspective of the ABA, on whose behalf I speak today, this is an excellent act. It has been very good for children, it has been very good for public safety, and it has been very good for the country. The act represents a comprehensive, thoughtful Federal effort at reducing juvenile crime, and since its passage the act has had an extraordinary impact, in particular, through its mandates.

Certainly, the principles behind the mandates are central. There is no question that they have been effective in improving public safety, and I discuss some of the ways that that plays out in my written testimony. Reducing victimization of children in institutions—the connection between child abuse and delinquency is well documented. Reducing the kind of interaction between nonoffenders and offenders or between delinquents and adults that leads to increased networking, increased criminalization, also has an impact on public safety.

There are other ways, as well, that I discuss and there is no doubt that the mandates have been good for kids. When we take a look at the data of the reduction of the number of children being held in adult jails, of status offenders being removed from detention centers, the act has been effective and has worked and pushed States in very, very exciting ways to be creative about the way they respond to these problems.

So the mandates have worked. They have worked because of a strong Federal presence and the ABA believes that that Federal presence should be maintained. It is unlikely—I think we have heard today the many ways that many States would like much greater elasticity in the way the mandates are put forth in the act—that they would be maintained with this degree of success without a strong Federal presence. Certainly, we saw an enormous amount of early resistance to these mandates from 1974 on in those days when I first became practicing.

I would say that this is also an area where Federal presence in some ways is unique. This is hard for Governors to do on their own. The executive branch doesn't control all of the various players in what is nicely called a juvenile justice system, but which is really not a system at all in most States. Governors don't have control over county courts, over jailers, sheriffs, and those who run adult jails, over the local police department. This is, I would just say parenthetically, in contrast to proposals that would make transfer to

adult court mandatory where States can very easily and quickly do this without a Federal requirement.

There is strong pressure, I think, as we have heard today, on local politicians at times of stress in their systems to find ways to get around the mandates. There is budget pressure, there is political pressure. The act insulates local officials from those pressures and enables them to avoid sort of a relapse to the times before this act was implemented and when things were very, very bad for children in this country.

The act's requirements are also principles that survive turnover in the system. There is enormous turnover in juvenile justice. The act is a consistent thread that reinforces the proper way that children ought to be treated. I also discussed in my written testimony the many ways that implementing the act's mandates have improved the process, substance, and quality of interaction in State juvenile justice systems that have all been for the good.

There is nothing about the mandates that prevents intervention in meaningful ways with repect to status offenders and with respect to runaways. There is nothing that prevents graduated sanctions or accountability. States are allowed individualized responses in ways that hold kids accountable. I would add, coming from a State that has been largely in compliance with the act's mandates, Pennsylvania, which has, I believe, the largest rural population in the country, 67 counties, only a third of which have juvenile detention centers, that we have been able to come up with creative solutions that have not violated the act in terms of the ways kids are supervised when we need short-term restraint—shelter care, foster care, group homes, the use of nonprofits such as we heard from Mr. Woodward on an earlier panel, and very, very extensive training of sheriffs and police.

This is not really a question of mandates, but how the mandates are enforced. The data suggest that OJJDP, in Republican and Democratic administrations, has been sensitive to State needs to respond to the truly extraordinary case. We do have opportunities for de minimis exceptions—the valid court order provision, the 24-hour provision for rural areas that exists now.

The ABA recognizes that there will be a need for flexibility, as the chairman has suggested today, but I would suggest that we ought to move forward around the issue of flexibility with some care, lest the exemptions have a way of becoming the rule and we undermine the very, very solid bedrock that we have established over the last 20 years.

To the extent that the mandates are too confining, consideration should be given to the regulatory process through giving waiver authority to OJJDP's administrator. While the ABA would be pleased to work with you in developing flexibility, we urge Congress to reauthorize the act with its mandates intact.

Mr. Chairman, thank you. On behalf of the ABA, I thank you and the subcommittee for inviting us to present these views.

[The prepared statement of Mr. Schwartz follows:]

PREPARED STATEMENT OF ROBERT G. SCHWARTZ

Mr. Chairman and Members of the Subcommittee: Thank you for your invitation to the American Bar Association to speak to you this morning about the Juvenile

Justice and Delinquency Prevention Act (hereafter "JJDPA" or "the Act"), and about the mandates that are at the heart of the Act.

My name is Robert Schwartz, and I have been designated by ABA President Roberta Cooper Ramo to represent the Association today. I am in my fourth year as chair of the Criminal Justice Section's Juvenile Justice Committee. I am a member of Pennsylvania's State Advisory Group, which is charged with distributing JJDPA formula grant funds in the state. And, as Executive Director of the Juvenile Law Center, I am in my 21st year representing children in Pennsylvania who are involved with the juvenile justice, child welfare, and mental health systems in the state.

This morning I speak to you on behalf of the American Bar Association, an organization representing a large and diverse membership of more than 370,000 lawyers nationwide.

The Act is consistent with the American Bar Association's historic commitment to the implementation of fair and effective juvenile justice systems. In particular, the Act is consistent with the Association's twenty-volume "Juvenile Justice Standards," which have been ABA policy for over 15 years.

The ABA last year adopted a resolution to support reauthorization of the Act. The ABA resolution urges the kind of oversight that this Committee has undertaken, and it supports adequate and necessary appropriations for ongoing implementation of the Act's formula and discretionary grant programs.

The ABA position is based on the need to maintain a meaningful federal role in improving the delivery of juvenile justice services in the United States; and to further the successful federal partnership with state-based juvenile justice professionals. In particular the ABA resolution seeks to ensure that the administration of federal juvenile justice policy promotes public safety while protecting the rights of juveniles and ensuring a fair, humane and effective juvenile justice system.

The ABA has long supported the Act, which in 1974, a) established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Justice Department, b) provided federal funds to states that provided procedural protections and ensured key substantive rights to juvenile offenders, and c) authorized the Office of Juvenile Justice and Delinquency Prevention to make special emphasis treatment and prevention grants to further Congressional policy.

In passing JJDPA in 1974, Congress responded to "the bankruptcy of the juvenile justice system, which provides neither individualized justice nor effective help to juveniles or protection for communities." S. Rep. No. 95–165, 95th Cong., 1st Sess. (1977).

The Act represents a comprehensive, thoughtful federal effort at reducing juvenile crime through intensive prevention and treatment programs. Since its passage, the Act has had an extraordinary impact, in particular through its mandates. The four key mandates of the Act, which I discuss more completely below are:

(1) Deinstitutionalization of Status Offenders;
(2) Separation of juveniles from adult offenders;
(3) Removal of juveniles from adult jails and lockups; and
(4) Reduction of disproportionate minority confinement.

In addition to advancing the mandates, the Act has promoted innovate programs and research, and it has given local authorities control of strategies and program design. State advisory groups, charged with distributing federal funds locally, have provided funding to prosecutors, local governments, police, policy-makers, non-profit groups and associations. State advisory groups have also established a wide variety of experimental interventions, many of which have proven to be highly successful.

The Act over the last twenty years has put in place a federal/state/local/private sector partnership which is accountable, efficient, inclusive and effective in the expenditure of public tax dollars.

The strongest reasons for the success of this effort have to do with the formula grants program and the pervasive planning infrastructure it has created in virtually every nook and cranny of the country. As one of our Committee members, James W. Brown, President of Community Research Associates, has noted, during the course of implementing the various mandates since 1974, state and local officials, along with citizen advocates, have planned, discussed, argued and generally reached consensus on some of the most difficult issues facing the juvenile justice system. More often than not, this conversation has forged a working relationship across political and professional lines that is characterized by understanding and respect for each other. Further, it has established a sound planning process which views juvenile justice as a system; insists on solid data on which to base policy decisions; and applies well-documented solutions to the problems that the state is addressing.

Five areas discussed below are particularly illustrative of the dynamic nature of this planning infrastructure and the well-developed partnership which operates in

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rural and urban communities nationwide. This partnership has endeavored to meet the mandates of the Act, and has been largely successful in implementing those mandates in a way that is good for children and consistent with public safety.

The mandates in a wonderful way have led to—indeed, compelled—the kind of cooperation that is so essential to excellence in juvenile justice. This is true because the juvenile justice "system" is not really a system at all. It is a fragmented collection of stakeholders, some of whom have authority for particular parts of the system. These stakeholders have, at best, an uneven history of cooperation. The mandates have shoved into the same room the sheriffs and foster care providers, juvenile court judges and jailers, state administrators and county officials.

One way to think of the mandates is that they protect children from harm. Another way is to realize that mandates promote public safety by elimination factors that lead to delinquent behavior. This last point unfolds in several ways. First, there is a strong correlation between child abuse and delinquent behavior—child abuse is frequent when children are in adult institutions. Keeping children out of adult institutions, separating them from adults, and keeping non-offenders away from offenders reduces incidents of assault and rape. Second, criminal tendencies are mitigated by keeping non-delinquent children from the influence of children who have been engaged in delinquent acts—indeed, usually seriously delinquent behavior, since juveniles in detention centers are usually the jurisdiction's most serious offenders. Third, the mandates reduce self-fulfilling prophecies, since children who haven't committed crimes avoid perceiving themselves as delinquent; and delinquents avoid seeing themselves as though they were adult offenders. Fourth, the mandates reduce the likelihood that children will be recruited into criminal networks through their association with those who are.

In sum, it can be argued that it was the force of the Act's mandates that pushed states and local government to create a juvenile justice process that has been beneficial to communities, children and families. This is a very responsible way of moving federal money down to local communities.

The five areas of success are:

PUBLIC AND OFFICIAL AWARENESS

There is an increased public and official awareness which has moved the issues of juvenile justice and delinquency prevention higher on the state and local agenda. For example, a one-day judicial training workshop resulted in a forty percent reduction in juvenile jailings in Virginia. Juvenile jailing was virtually eliminated in Montana once public officials learned of the perils of public liability through a series of local workshops. Public opinion polls continue to support the goals of prevention and rehabilitation in spite of the strident political rhetoric and the continued media preoccupation with violence. The Act has been part of the effort to deal with youth crime in virtually every community for the last 20 years. Over 1500 State Advisory Group members nationwide represent every political persuasion and philosophical bent as well as the hopes of all citizens and juvenile justice professionals.

FORUM FOR DEBATE AND DISCUSSION

There is now a well-established forum for dialogue and discussion of the major issues related to youth crime that simply did not exist twenty years ago. Special subcommittees of the State Advisory Groups in many states address the issue of disproportionate minority confinement. Regional youth councils in Idaho and Oregon hold public hearings, establish local priorities, and gain long-term commitments from elected officials. Local prevention councils debate risk factors and plan for comprehensive prevention programs. Iowa and other states conduct annual youth conferences to gain insight into the needs of young people. Not only do these new forums provide discussion across practitioner lines, but they provide an arena where interested citizens can be heard and participate in the public policy process at the state and local level.

CLEAR AND ACCURATE DATA ON YOUTH CRIME AND PROGRAMS THAT WORK

To an increasing extent, local communities are abandoning traditional practices of planning by "horror story" and insisting on clear, accurate data regarding youth needs, existing practices, programs that work, and the incidence of youth crime. Examples include juvenile crime analysis in three-year comprehensive state plans; statewide assessment of youth-at-risk in South Dakota, Oklahoma, and West Virginia; detailed examinations of youth arrests and referrals in San Francisco, Mobile, and Lawrence, Kansas; comprehensive cost studies in Colorado and Nebraska; penetrating assessments of minority confinement in Arizona, Oregon, Florida, Iowa, and

115

North Carolina; and the hundreds of risk-focused prevention assessments that are underway nationwide. Many states have transformed the initial monitoring requirements of the Act into full-fledged information systems which provide important data for legislators and policymakers for assessing due process, program effectiveness, and cost benefit.

STATE/LOCAL PARTNERSHIPS

The experiences of the past decade have documented that problems such as deinstitutionalization and jail removal cannot be resolved completely by the state or local community acting on their own; or without the combined efforts of government officials and interested citizens; or by law enforcement without the courts or corrections. Coordination and collaboration are more than planning words in communities which have successfully accomplished the mandates of the Act. The Juvenile Services Commissions in Oregon, the Local Crisis Units in Illinois, and the Community and Family Crisis Programs in New Jersey are all examples of state/local partnerships which grew out of efforts to implement the goals of the Act. The importance of these efforts lie not only in the services provided but in the processes and relationships it has established for future efforts in the same communities. This is particularly important in juvenile justice, where, as I mentioned above, no agency has sole management responsibility, and where the mandates give the same vision to all of the stakeholders in the system.

CONTINUUM OF SERVICES WHICH MEET THE INDIVIDUAL NEEDS OF TROUBLED AND TROUBLESOME YOUTH

The last twenty years have witnessed a continued downsizing institutions, a decrease in the use of adult jails and lockups, and legislation and public policy changes in virtually every state. Concurrent with these developments have been the creation of flexible networks of community-based services designed to meet the individual needs of troubled and troublesome youth while assuring public safety, offender accountability, and the integrity of the court process.

For all of these reasons it is not surprising that the Act, and its mandates, have had bi-partisan support for over 20 years.

Deinstitutionalization of status offenders—those children whose conduct would not be criminal if committed by adults—has been a mandate since 1974. When I began practicing law in the mid-'70's, status offenders were routinely incarcerated, both in Pennsylvania and elsewhere in the country. Many of these children were themselves victims of abuse; many had mental health problems; many had serious educational problems. Placing these children in detention centers and training schools with hard-core delinquent youth was one of our national scandals.

While some states have had more difficulty than others in meeting the DSO requirements, in 1993 only three of the 57 States and Territories that were eligible to participate in the formula grants program had compliance difficulties. Overall, this provision has had extraordinary success. From 1974 to 1993, the number of status offenders held in delinquency institutions dropped from roughly 172,000 to 3,200.

The second mandate, also in the original Act, is separation of juveniles and adult offenders when they are held in the same facilities. By 1993, only two of the States and Territories were having difficulty complying with this provision. This has been a triumph of federal juvenile justice policy: in 1993 fewer than 1000 confined children were not separated from adults, compared with 85,000 in 1974.

Removal of juveniles from adult jails and facilities was added in 1980. Some states quickly passed legislation requiring the removal of children from adult facilities; other states changed their policies or laws in recent years. In general, states have been creative in this process, without diminution of public safety or an increase in failures to appear in court. In addition, jail removal did not have adverse impacts on the populations of juvenile detention centers—rather, administrators developed a creative range of detention alternatives. In 1994, only four states were having difficulty complying with this mandate. Compared with 1974, when 160,000 children were held in adult jails and lockups, only 7,000 children were so held in 1993.

The above mandates have thus been good for children, without impeding public safety or the operation of the juvenile courts.

In 1992, the Act added reduction of minority over-confinement as a fourth mandate. As a result, States have completed studies of racial imbalance in their systems, and have begun to address imbalance where they find it. In Pennsylvania, for example, state and local partnerships have used formula grant funds to introduce intensive prevention programs in high-crime areas with large minority populations.

There is something to be said for consistent national policy—such as these four mandates—that calls for improving conditions for children in a way that the states would not otherwise have undertaken. In contrast, some proposed new mandates, such as those that would require states to transfer more children to adults courts, are unnecessary. States in recent years have had no trouble determining unique and creative ways of transferring children to adult court. The ABA would oppose such a mandate, because it directly contradicts our Standards. Even more important, there is nothing to be gained in this area by requiring a particular kind of transfer as a condition of federal funding—the work in the states is largely complete.

CONCLUSION

Since 1974 the Act has received bi-partisan support because it has promoted public protection while establishing national values for the operation of state juvenile justice systems. Under the Act, both parties have implemented programs that have prevented crime, eliminated abuses of children, and promoted justice.

In many ways the issue of mandates is a red herring. The question is not one of mandates, but of how they are enforced, and with what level of elasticity. The data suggest the OJJDP in Republican and Democratic administrations has been sensitive to State needs to respond to the occasional extraordinary case. The Act thus represents sound national policy, rather than a straitjacket. To the extent that the mandates are too confining, consideration should be given to addressing that issue through the regulatory process, or through giving waiver authority to OJJDP's administrator when there is evidence of extraordinary circumstances. While the ABA would be pleased to work with you in developing flexibility, we urge Congress to reauthorize the Act with its mandates intact.

Mr. Chairman, on behalf of the American Bar Association, I would like to thank you and the Subcommittee for inviting us to present these views. I would be pleased to answer any questions you or Members of the Subcommittee might have.

Senator THOMPSON. Thank you very much, Mr. Schwartz. Mr. Schwartz, you mentioned the utilization of foster homes. In what context was that in? To what extent do you feel like this is a——

Mr. SCHWARTZ. Foster homes can certainly be appropriate for runaways and they could be used if they are staffed properly. Some States have beefed up specialized foster care to provide eyeball supervision of children who are more likely to run away. There are lots of creative variations. For the child with mental health problems, specialized foster care, foster parents who are trained to deal with kids with disabilities, are all within the framework of a sound juvenile justice response to very, very troubled kids.

I would add that from what I see in representing children, there are some extreme ends of more violent offenders and there are some like Senator Simpson talked about who are more at the psychopathic end. But by and large, the children that I see today are the same kinds of kids that I saw over 20 years ago. Runaways are still running away for the same reasons. Truants are still skipping school for the same reasons. The act allows States to respond flexibly where there are differences, but the differences aren't as great as I think we have heard in some respects this morning.

Senator THOMPSON. Well, how do you account for these tremendous differences in the statistical information that we are getting in terms of violent crime, in terms of serious crime, in terms of disruption in schools, in terms of guns in schools by young children, drugs in schools by young children? We have all seen those statistics from lots of different sources. Doesn't that indicate that perhaps there is something different going on down below there at perhaps the truancy level?

Mr. SCHWARTZ. What I think is going on there, Senator, as has been suggested by Professor Blumstein from Carnegie Mellon—and when you take a look at the data that he has generated, you see

that the real changes pretty much occur in 1988, with an increase of crack and guns available to kids. Certainly, the combination of guns and drugs has been a terrible one, and it is clear that they don't mix and that States need to respond to that. But at the same time, that doesn't suggest a huge difference in the nature of childhood or of who these kids are.

Senator THOMPSON. What about their family situation? Do you see a difference there from when you first started representing children?

Mr. SCHWARTZ. Yes; for many families, particularly in the late 1980's—I would say less so now, but crack had a particularly harmful immediate impact on the ability of parents to be part of the solution. When I stated practicing, we had a huge gang problem in Philadelphia. We had the highest homicide rate that we have ever had over 20 years ago. Gangs were prevalent. Guns were available then as well, but parents were part of the solution.

I would also say that adult jail was not part of that solution. Community response with crisis intervention and community shelters that were set up turned out to be a very, very effective way of dealing with that. Crack changed part of that equation by eliminating for many of the clients whom we dealt with an active and concerned parental involvement, and that is certainly a difference.

Senator THOMPSON. Mr. Regier, Mr. Schwartz seems to think that there is flexibility in the act to allow States to deal with early intervention at the truancy level, and so forth. What do you think about that?

Mr. REGIER. Well, I was just going to comment on that because the statute certainly allows this to take place. I mean, it doesn't preclude it from taking place, but when you are in a State and dealing with the kinds of situations that I was outlining—that is, a clogged-up system, serious juvenile violent crime increasing—dealing with first offenders and status offenders is way down the list in terms of the resources available and the scarcity of resources. So even though it doesn't preclude that from happening, States don't make it their first thought because there are other things that take precedence.

Senator THOMPSON. Such as violent crime.

Mr. REGIER. Such as violent crime. The other thing that we are finding is because the State doesn't make it its priority, and we are trying to as much as possible, then the communities begin to make it their priority. That is where we then get into communities using whatever means possible—municipal detention they are calling it in our State—and trying to find a place to put these kids.

Senator THOMPSON. Well, isn't that a good thing, a good development?

Mr. REGIER. Well, it is a good thing from the standpoint of the consequences that kids need on the front end. It is not a good thing because it puts us out of compliance with the JJDP Act, so we now——

Senator THOMPSON. In what respect?

Mr. REGIER. Well, basically, many communities are starting to hold kids beyond the 6-hour limit or they are putting them in adult jails, and the sight and sound separations are still there, but as was pointed out earlier, when you are talking about sight and

sound separation, you have to have separate facilities, separate food service, separate staff, et cetera. So it has put a burden in many of our situations—in my testimony, in fact, I cite three of our cities that have facilities that could certainly meet the collocation test that several of the Senators talked about earlier, but they cannot meet the mandates as they are written right now.

Senator THOMPSON. You mentioned the—is it the Idabel situation in your State?

Mr. REGIER. Idabel, yes. They are building a new detention center which will open just within the next few weeks.

Senator THOMPSON. But you won't be able to use it for juveniles?

Mr. REGIER. No.

Senator THOMPSON. For what reason?

Mr. REGIER. Well, at this point again, we would have to make the choice, and we would have to make the choice whether we would collocate juveniles there with adults because it is primarily an adult facility but has some wings that could easily be used for juveniles and maintain sight and sound separation.

Senator THOMPSON. So in what way would you be out of compliance?

Mr. REGIER. Well, at this point, we feel that we would be out of compliance because it is in the same building, the same facility, et cetera.

Senator THOMPSON. So you think as a practical application that you are now required to have totally separate facilities?

Mr. REGIER. Well, that is how it has been——

Senator THOMPSON. Interpreted?

Mr. REGIER [continuing]. Read and interpreted. In fact, the State legislature authorized last year additional funds to build facilities. We are now just going to open by summer four new facilities that we have put anywhere between $300,000 and $500,000 to build them. They are six-bed, separate juvenile detention facilities and those are going to serve us well and they are going to help our problem, but that money certainly could have been used other places.

I was interested earlier when one of the Senators said that enforcement of sight and sound went beyond original intent. That is great to hear now, but for 22 years the States have spent money following that mandate.

Senator THOMPSON. Yes. Well, I think it is time we went back and addressed all that. I am not sure that that has been any time recently. I think that happens a lot around here. We wind up decades later deciding that this wasn't really what we meant at all, and that is part of what we are trying to do here.

Ms. Anthony, you mentioned the disproportionate minority problem. One of the requirements is to address the jailing of members of minority groups if such proportions exceed the proportion such groups represent in the general population. I was quite surprised to find that in there. It is not addressing it if it is based on a percentage of those who violate the law in that community. It is based on the population of the community as a whole, and I take it from looking at this that you are supposed to do something about that.

I don't know if you release certain criminals of one age group or one race, or arrest more criminals of another race or arrest more

criminals who violate the law in lesser proportions or something to equalize that up. You mentioned briefly about how impossible it was to comply with it. Is that your interpretation of what is required?

Ms. ANTHONY. I think you have accurately reflected the conundrum that States are in. There is no single agency or State that can solve the problem, and yet it is mandated that we do so. I spoke with a rural sheriff from Logan, UT, and he said, a crook is a crook; no, we are not releasing people because they may—where we have 9 percent African-Americans in a general population, and yet the incarceration rate is around 13 percent, no, we are not releasing them because of that, because they have perpetrated a crime on the community and they are being held accountable.

Senator THOMPSON. But you are apparently in violation of this requirement.

Ms. ANTHONY. We are, and I will say that I don't know of a State that isn't in violation of that requirement right now.

Senator THOMPSON. Would you agree with that, Ms. West?

Ms. WEST. Yes, we would.

Ms. ANTHONY. I think there are things, Senator, that States can do. If nothing else, it is increased awareness. They can provide interpreters in court so people get a better hearing. We have a police department that is offering Spanish classes to its officers so they can communicate with their constituencies. The State of Utah has—the Governor's office has an officer of minority affairs that is taking a real proactive role in training their communities to become employed in the juvenile system, in the court system, as police officers.

You can do all of those things, but to require juvenile justice systems, whether it be State-based, county-based, court-based, whatever the system is, to do something about this is just virtually impossible.

Senator THOMPSON. Mr. Regier.

Mr. REGIER. Quotas definitely are not the answer. I mean, youth are placed in the system based on their acts, not their race. As these acts are perpetrated, then we need to respond accordingly. In our State, we have native Americans who comprise 11 percent of the juvenile population, but only 5 percent of the total arrested. We are not going to go out and look for native Americans to arrest.

Basically, you know, I think that the minority overrepresentation issue has been sometimes clogged up in administrative studies. We know that is happening, but the way to solve it, in my opinion, is to go out there and get the money to the communities that are overrepresented. We have started, for instance, parent support networks where we are linking these parents of kids, particularly African-American kids that are in our system, and going to specifically try to deal with the parents and the siblings because many times it is a family tradition, as I point out in my testimony.

Senator THOMPSON. Right. Ms. Anthony—and maybe Mr. Regier also touched on this—you know, traditionally we have been concerned, and rightfully so, about the influence that adults would have on juveniles. We have built up these walls, both figuratively and literally, and we are all aware of abuses in the past. But we have had testimony from other panels on other days, criminolo-

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gists, who say they have interviewed hardened criminals and these adult criminals are afraid of many of these violent youths who are coming in because they are totally different from anything they have ever had any contact with. Did you touch on that?

Ms. ANTHONY. I did. I think we are in agreement that no sheriff, no State-elected official, would want abuses to be perpetrated on anyone in a jail. Whether it is adult on adult, for whatever reason, prisons and jails do everything they can to prevent that. My experience is, in trying to create legislation to put kids into the adult system through a waiver process—we call it the serious youth offender program in Utah—a huge debate about whether or not, once they have been tried and found guilty as an adult, they should be collocated.

We have made a determination that there would be no special effort to necessarily segregate a juvenile population from an adult prison population. Simply, there wasn't room in the prison to do that. Frankly, we find that a lot of these offenders end up in a maximum security lock-down based on their behavior in the institution once they are there. Do I like that? Not necessarily, but is it necessary to maintain public safety? We think it is.

Senator THOMPSON. Mr. Regier, did I interpret your remarks correctly in that, that all these States passing rigorous laws treating more juveniles as adults for serious crime, is in some way perhaps a response to some of these things that have hamstrung local officials? Since they can deal more effectively with an adult than they can a juvenile, they are treating more juveniles as adults. For that reason, do you think there is a causal relationship there?

Mr. REGIER. Well, I think there is somewhat a causal relationship. It is a little harder to identify exactly what the causal relationship is in the State of Oklahoma because we have had a combination of Federal mandates as well as a Federal lawsuit, and so there have been several things going on. But, clearly as I have talked to legislators on. But, clearly, as I have talked to legislators, the Youthful Offender Act came into being to get around some of the restrictions that they were being hampered with.

Senator THOMPSON. Ms. West, I have been quoting you this morning, your statistic of 85 percent of those were picked up for status offenses usually wind up with more serious offenses later on. Is that not—all of your—is that not a crucial problem here? Senator Biden pointed out we are trying to deal with the violent offender in a lot of different respects—Federal level, State level, certainly. But there is such an overrun of facilities, of courts and all of that, that those who are not yet guilty of violent offenses get the last consideration, the last treatment.

It seems like police officers are trying to avoid dealing with status offenders because they are nothing but a hassle and a headache. They have got much more serious things to deal with. They know that if they take them, many times they will have to babysit them.

Who testified a minute ago that you found that before there was incarceration there were typically seven felonies? Could you elaborate on that a minute?

Mr. REGIER. Well, I was just commenting that in our particular State those that end up in secure institutions—there are, on an average, seven felony convictions before they get there.

Senator THOMPSON. Well, it doesn't look to me like the real problem as far as your State is concerned is incarcerating people who don't belong there.

Mr. REGIER. No.

Senator THOMPSON. It is the fact that you have got seven felonies committed before they ever are incarcerated.

Mr. REGIER. Yes. It is the problem that we have a Federal cap on secure beds, No. 1, with 12,000——

Senator THOMPSON. On that point, why in the world would a court order, because of past violations, put a cap on secure beds? How does that alleviate past problems?

Mr. REGIER. Well, I guess in every negative there is some positive that comes out, and the positive that has come out of this 18-year lawsuit which—by the way, we are expecting to receive a substantial compliance within the next couple of weeks and hopefully have the Federal judge dismiss this within the next 6 months, but the silver lining that has come out of that is that we do now probably have one of the best community-based systems in the country because we were forced to.

Now, the problem is that even with some of our community-based group homes, we have to put some very tough kids in those places that should be in a higher level of security, but we have had to deal with that. As I said, the domino effect, then, when you back that up is that you have a lot of kids that are out on the street that are on probation that should be either in treatment or even in secure facilities.

Senator THOMPSON. Well, getting back to that problem, it seems to me one of the bigger problems is the juvenile who has not yet committed the violent crime but who, from all of your experiences, we can probably tell is going to. How do we deal with that? Obviously, the States have a responsibility. You can't just say that you don't have the money. Everything is a priority. If this is the burgeoning problem and the river that is flowing in our direction, it has got to be addressed.

Could local communities do more? When you are dealing with a criminal population of whatever age group, I guess there is a limit on what private groups can do. How do we do something to avoid the continual revolving door? These mandates may be a part of the problem, but certainly not all of it. How do we address the continual revolving door which results in waking up one day and having a serious crime and looking and, sure enough, it is somebody who has been in trouble for years and nobody has ever dealt with it?

Mr. SCHWARTZ. I think probably all of us this morning, at least those of us who have been involved with the distribution of funds under this act, have found it relatively straightforward to plow huge amounts—as you said, up to 75 percent, certainly, at least—into the front end of this system, including for services to children who have not committed crimes to those who have before they have graduated to the deeper end of the system.

I know in Pennsylvania, both through the Communities that Care Program that is a major part of this act, title 5 of the act,

as well as through our routine formula grant contributions to Pennsylvania's 67 counties, to nonprofits, to probation departments, to district attorneys for diversion programs, the act has been a very, very effective way of developing prevention programs by providing venture capital, in a sense, to communities that have then taken over the funding of successful programs over time. That has been a huges success story, I would say, and it has been a huge success story across the country.

Senator THOMPSON. Well, I don't see any huge success stories. I mean, if you are measuring success by lack of juveniles locked up in adult facilities, which is great news, I suppose, then you have statistics to back that up, but that is only one goal. The other goal is a reduction in crime, and that is absolutely skyrocketing. One of the things that we are going to ask some of the administrators of this act is to show up some success.

We have got page after page after page of programs here that are authorized and that are mandated at the Federal level and communities are doing a lot of things in response to it. But I don't know that we have got a system at all to measure any kind of outcome-based success. I mean, we have got every level of crime going through the ceiling—drug use, guns, gangs, everything else—and we are talking about all these great successes we have because, you know, we have got sight and sound separation now in almost every State.

Ms. ANTHONY. I agree with you. It is frustrating because I look at recidivism rates among juveniles, and all you have to do is look at the adult prison population to see what is happening there. Virtually every State in this Nation has a huge budget for adult corrections and youth corrections has gone underfunded in a lot of circumstances to be able to accommodate that. So the prevention maybe hasn't worked as well as it should.

For 10 years, Utah has had 80 secure beds for juveniles. With the construction projects and the authorization just received from our legislature, we will have 162 secure beds to put adjudicated juveniles in. We have had about 151 detention beds. Most of those have been held by kids awaiting placement in a secure facility after they have been tried. So a status offender would not be locked up in any kind of detention facility. They may get an electronic monitoring device at home. They will run and they will get picked up on a contempt order and then they would be held for a short time in a detention facility, but not for the status offense. They would be held for the contempt issue.

So I am frustrated by the same thing that you are expressing frustration. I haven't seen the huge success. It is successful in that we are not seeing kids beat up in jails or abused in jails by other inmates. That is a success. The crime rate has not gone down. It is frustrating. All you have to do is look at the recidivism rate.

Senator THOMPSON. Ms. West.

Ms. WEST. We are not even talking about just status offenders that go without services. Virginia is like Oklahoma. Like Mr. Regier said, you can commit five, six, seven felonies before you have any tangible consequence to your action. I was a prosecutor in Virginia Beach and Norfolk and there was a joke among the defense bar that the first belony was free. If I tried to do some sort

of disposition other than unsupervised probation, they would say, well, you know the first felony is free, and that is the message that gets sent to the kids. We have reinforced that negative behavior. There are no consequences for your illegal behavior.

What we need to do is try to intervene with some sort of consequences earlier. It does not necessarily mean incarceration, but it has to be something that the juvenile views as a tangible consequence, not just something that we as the system put on them and think is a consequence. Unsupervised probation is a joke to them. Supervised probation is basically a joke to them as well. They need to have some sort of punishment. It has to be taking away something they enjoy. It has to be some sort of effort that they have to make, something that means something to them.

Senator THOMPSON. Well, isn't part of that, though, the lack of facilities that you have, the lack of courts that you have, and doesn't that fall right back onto the States primarily?

Ms. WEST. It does fall back onto the States. Virginia is trying to address that problem, in particular. We also have judges who are willing and locales who are willing to accept juveniles into jails, sight- and sound-separate, but we would still be in violation if they were in the jail, for runaways, for truants, for those types of behaviors. We have a crowding problem, but it doesn't sound like it is nearly as bad as what the other States may have.

Senator THOMPSON. You mentioned another way in which you thought you might be out of compliance now with some of the rules. What was that?

Ms. WEST. There is actually a code section in the Virginia Code that allows a judge or an administrator of a juvenile detention home to take a juvenile out and place him in a jail if he has been disruptive in the home, and that is part of the code section.

Senator THOMPSON. Do you think that is inconsistent with the Federal mandates?

Ms. WEST. It does put us out of compliance. We have been told that.

Senator THOMPSON. Have there been any consequences?

Ms. WEST. Virginia has still maintained overall compliance or compliance in enough other areas that we have been able to maintain getting the funds, but that particular provision of our code does put us out of compliance.

Senator THOMPSON. So half the people here are out of compliance, we have decided, on this panel anyway.

Mr. Regier, did you have any comment or do you choose not to comment on that?

Mr. REGIER. Well, actually, no. They are coming out the end of this week and we are going to be looking at some of these facilities, and we are really trying to work closely with the Federal office. I mean, we don't particularly want to be out of compliance and we are trying hard to find some alternatives with our communities for detaining status offenders, in particular.

I was going to make the comment earlier that the juveniles know the system. We have kids that have had this happen several times over the last several months who have slugged their juvenile service worker when they come in to see them in secure placement. Why? Because they want to be certified. Why do they want to be

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certified? Because they will be out in 3 months. They don't want to go through the treatment program. We are tougher on them than the adult system is.

Senator THOMPSON. Compliance costs, Ms. West. You might say, well, these requirements are all in place now. You are substantially complying with them. What are the compliance costs, and what are the compliance costs to prove to the Federal offices that you are in compliance?

Ms. WEST. I don't have the exact figures here. Marion Kelly from our Department of Criminal Justice Services is here today. I do know that they devote several full-time positions to doing nothing but making sure that the State is in compliance. If I can turn to her, she may be able to give you the exact costs of that.

Senator THOMPSON. All right. In the meantime, Ms. Anthony, do you have any feel for what the level of——

Ms. ANTHONY. I don't have exact figures either. I would be happy to get those to you. What I do know is that the act has basically become part of the fabric of Utah's juvenile justice system. Every facility that we need to build in order to accommodate the mandate is between $6 and $12 million. Oklahoma is building 6-bed facilities. It is not a very good investment of your money.

Utah has resisted building bigger facilities; again, the same philosophy that we have talked about today. We are going to go toward building bigger facilities, particularly pretrial detention facilities, because you simply can't afford to locate and maintain those small facilities.

Senator THOMPSON. Just for starters here, I am looking at section 5633, State Plan Requirements for Formula Grants. I take it you still send in a plan every year and that plan has got to have an advisory group. You have got to go out and get an advisory group of not less than 15, not more than 33. They have to be from various parts of society, including juveniles and all of that. Then you have got the four mandates that we have talked about. Then you have got to make sure that your programs are devoted to, among other things, alternatives to incarceration, protecting juvenile rights, alternatives to suspension and expulsion, expanded use of home probation, programs engendering positive thinking, belonging to memberships, sense of self-worth, et cetera, et cetera.

Physically, do you have to fill out papers every year to show these people that you are doing all this, that you are consistent with all that? Is that your understanding?

Pull up a chair, if you can comment.

Ms. WEST. Senator Thompson, I think that Ms. Kelly would probably be the best to answer that. That is her full-time job, I believe, is to make sure the State is in compliance.

Senator THOMPSON. And your full name is?

Ms. KELLY. Marion Kelly, and I am with the Virginia Department of Criminal Justice Services. I work as a juvenile justice specialist, and you will note that the act requires each State participating in the act to have one person who is 100 percent full-time and devoted to the act. So, across the board, each State would be required to have at lest one full-time equivalent.

The way that the funds are set up, 10 percent of the State's allocation may be spent on planning and administrative functions. In

Virginia, that is $141,000 a year, which is required to be matched by State funds in the same amount. So we have $282,000 in planning and administrative costs. On title 5 of the act, there is a provision for 5 percent of that act to also be used as planning and administrative funds which also has a match associated with that. So our full amount would lead us up about another $100,000 on top of that.

We devote 3.65 staff members to the JJDP Act. It includes my own function, a research analyst that is required for the crime analysis and planning piece of this, a compliance monitoring person, and then a person who manages the grant monitoring function. They are supported by a support staff and a fiscal management team in our grantmaking agency.

But I think that the real costs are actually to the localities in terms of the costs that they have both in terms of the record-keeping or records management and some of those costs to Ms. West's agency in providing us data and services, as well as—and I think someone pointed out the construction costs. I will give you an example. We have a facility that will be a collocated facility in Frederick and Winchester counties, about 60 miles from here, and in order to meet the collocated requirement they are building a 40-foot land embankment on the premises of the facility in their design so that they will absolutely be sight- and sound-separate. I think those kinds of costs really cannot be costed out by an agency such as my own in this matter, but are certainly substantial.

You raised the issue of the cost of the JJDP advisory group, and the way that that is set up is a percentage of the lowest minimum amount that is allocated to the State. In Virginia and across the country, that amount is $30,000. In a State like Virginia, we never spend the full amount. There are other States—Alaska would be one, Iowa would be another—where people are traveling large distances and there is an amount of expenditure to the State in maintaining the State advisory groups.

I think somebody mentioned earlier that there may be more efficient economies of scale than spending $30,000 a year in maintaining a State advisory group for purposes of this act and it may be incorporated with other kinds of advisory or commission kinds of functions in a State that would have a greater efficiency here.

Senator THOMPSON. Thank you very much. I believe that some of the title 5 money, anyway, goes directly to the localities and they have their own mandates that they have to deal with in compliance issues. It sounds to me like in excess of $30,000 is available to fill out the paperwork, you might say.

Mr. SCHWARTZ. It is also true, I know, in Pennsylvania, Senator, that our advisory group provides a State planning function and there is great leverage that is provided out of these Federal dollars, plus most of us devote much of our own money for subcommittee meetings, regular meetings, planning meetings, addressing issues like minority over-confinement and issues targeting specialized populations, so that there are a variety of ways that these dollars work effectively. At least in Pennsylvania, we haven't found the administrative costs to be excessive.

Senator THOMPSON. Well, thank you very much. In all of this, I always come back to the proposition that with all the problems that

we are dealing with here, that we may be looking at the good news. The problem age group is kind of down right now. The demographers tell us that by the end of the century there will be an additional 1 million in the age group, I think, 11 to 17. Half of them will be males and a third of them will be law violators. So if we don't do something about it, we will look back at this as the good old days.

Senator Biden, incidentally, had another committee hearing and expressed his regret that he had to leave us. Also, we have been asked to enter a letter from the Department of Justice Office of Juvenile Justice and Delinquency Prevention into the record, and that will be made a part of the record at this time.

[The letter referred to follows:]

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUSTICE PROGRAMS,
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
Washington, DC, March 11, 1996.

Hon. FRED THOMPSON,
Chairman, Subcommittee on Youth Violence, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have followed with great interest the hearings you have held thus far on the burgeoning problem of youth violence facing our nation. I commend your leadership on this issue, share you sense of urgency, and look forward to working with you as together we address this national crisis.

The severity of the problem, as you well know, cannot be understand. Last week, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released the 1996 update to its report, "Juvenile Offenders and Victims." As the enclosed report shows, in 1994 the juvenile violent crime arrest rate in the United States reached its highest level ever, and an estimated seven juveniles were killed each day.

It is at this juncture that the task of reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415), as amended (42 U.S.C. 5601) begins. As you know, the Act establishes OJJDP as the agency responsible to implement the Act's provisions and develop and support effective programs to prevent and control delinquency, improve the juvenile justice system, and address the problem of missing and exploited children.

At the outset, Mr. Chairman, I want to give you my assurance that I am committed to striking the appropriate balance between maintaining the key policy goals of the Act and the very legitimate needs that States and practitioners may have for more flexibility than the Act or its implementing regulations now provide.

Further, to the degree we are able, it is my firm intention, with the Attorney General's support, to do everything we reasonably can to accommodate the needs of the States through changes to the regulations governing OJJDP's programs. I also look forward, of course, to hearing your views, Mr. Chairman, and those of the other members of the Subcommittee as we pursue this.

Toward this end of ensuring that the needs of those who come face to face every day with youth violence are heard, this Office is now engaged in a series of steps to get input from the juvenile justice field about JJDP Act programs, their impact, our administration of the Act, and OJJDP's implementing guidelines, policies, and regulations.

First, I have written to each of the State agencies designated to implement the Formula Grants, State Challenge Grants, and Title V Delinquency Prevention programs inviting their comments. A copy of the letter to Tennessee is enclosed.

Second, recognizing that urban and rural areas face very different challenges in implementing the core requirements of the Act, our Office, working with the States of Idaho and New Jersey, will meet with rural and urban practitioners, respectively, to hear from them about their perspectives on what is working, as well as what needs changing and why.

For your information, the meeting in Boise, Idaho is set for March 15th and the meeting in Trenton, New Jersey is slated for March 25th. I would be pleased to provide you with more specifics about either of those sessions. And, of course, I look forward to sharing the results of those meetings with you when we meet.

Third, following those State forums, the Office will host two roundtable discussions, one with representatives of public interest groups and the other with rep-

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resentatives of national organization and private youth-serving agencies. We hope these roundtables will provide a more national perspective. We are particularly interested in their views on our efforts to assist State and local governments to address the increasing levels of juvenile violence and the role of the Federal government.

The roundtable with public interest groups will take place on April 9th. The second roundtable, with national organizations and private youth-serving agencies, is scheduled for April 11th.

Based on the information we receive at these meetings, as well as written comments we have been receiving, we intend to make recommendations on amendments to the Act and regulations.

The Administration is firmly committed to progressive juvenile justice programs that will have a long-term impact on reducing delinquency and violence and ensuring public safety. Such programs need to address a full continuum of activity, including prevention, early intervention, and graduated sanctions for all juvenile offenders, from first-time offenders to chronic, violent, and serious juvenile offenders. The Administration also recognizes that we will be successful only if we work as partners with the States.

I look forward to working with Congress, particularly your Subcommittee, throughout this process and welcome your interest in our programs and activities on behalf of our Nation's juveniles.

Sincerely,

SHAY BILCHIK.

Senator THOMPSON. Thank you very much for being with us. You have been most helpful.

The subcommittee is adjourned.

[Whereupon, at 12:50 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS AND ANSWERS

QUESTIONS FROM SENATOR HATCH TO MR. CARSON

DRUGS AND CRIME

Question 1. I am deeply disturbed by the recent indications that drugs is once again on the rise with our nation's youth. I think we all recognize that drugs fuel much of the violent crime problem in America, particularly in our urban centers. In your opinion what needs to be done to prevent children from becoming involved with drugs in the first place?

Question 2. Have the type of crimes committed by youths in your jurisdiction changed much over the years? Do you feel that a different approach to combating juvenile crime is needed?

RESPONSES OF MR. CARSON TO SENATOR HATCH'S QUESTIONS

Answer 1. With children we must place our efforts in the education of our elementary school age children. This is the age group that are most receptive and trainable. Many studies show that most of our future personality is formed during these years and can be predicted. Then this is the area we must concentrate our prevention efforts on. In this age group, we also have greater opportunity to forge partnerships among teachers, parents and law enforcement as a united front which should provide a positive prevention message.

Answer 2. Yes. There has been an increase in the amount of violence involved with not only juvenile crime but in all areas of juvenile life.

Yes. I feel that the increase in violence demands a swifter, firmer approach. Over the years juveniles have acquired almost identical rights as adults, due process, right to counsel, etc. I feel where we have given increased rights and responsibility without accountability has become an injustice to not only the juveniles but to society as a whole. While the accountability for juveniles and adults may differ in some ways, it is essential component for our society to function. In the juvenile system, there is also a need for swifter response to violations. Because juveniles as a whole think more in the short term, a slow fragmented response only tends to encourage the very behavior we are attempting to correct. We must send a clear sure message that the increased rights you have acquired carry a increased responsibility and accountability with them.

PHILOSOPHY

Question 1. Recently the trend in state legislatures has been to change the Juvenile delinquency declaration of purpose from rehabilitation to retribution and punishment. Indeed in today's Washington Post [March 12, 1996], there is an article about the Virginia Assembly's legislation that would require teenagers as young as 14 to be tried and sentenced as adults for murder and other violent crimes. It would also open to the public, juvenile court proceedings and records for felony cases. Do you agree with these changes? Should the goal of the juvenile court system be closer to that of the adult criminal system?

Question 2. It seems like each of your respective states have implemented slightly modified versions of the Juvenile Justice Act; each state has tailored the programs to its individual, local needs. I am generally skeptical about Washington imposing programs on the states. For example, while I believe that a balance between prevention and incarceration of juveniles should exist, isn't this a decision that should be made at a local level, instead of the federal level?

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Question 3. What is your opinion of earmarks such as Boot camps, Mentoring, Intensive Supervision or others? Research—at least up to this point—has not been kind to any of these earmarked programs. It seems that recidivism rates are static if not higher after attendance in a boot camp. These programs do not seem to be curbing the delinquency rate. Should we, the federal government, remove the earmarks to let states experiment with various types of programs or, at the very least, fund only those programs that have shown through research and evaluation to be effective in curbing youth crime?

Question 4. Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) a helpful institution to state advisory groups in terms of policy? Should more money be allocated by Juvenile Justice Office to provide technical assistance to the state advisory groups?

Answer 1. Yes. I believe in cases of murder, rape, aggravated assault the proceedings and records should be treated the same as adults. At this point public safety outweighs the right of the juvenile to privacy. This should be made a part of their accountability.

The goal of our juvenile justice system should be to make every attempt to be ahead of our adult system in speed and quality of service. Because, this is the point in the overall criminal justice system where we stand the best chance of rehabilitation. The speed and sureness of our response can be just as important as the harshness or lightness of any sanctions imposed.

Answer 2. I do believe that is a decision that should be made locally. But, by locally, I suggest the county level with the state only acting as a conduit for funds. With the funding being distributed on a formula basis using population, income levels, and poverty status as factors as the base for deciding funding allocations. This should allow for funds going to areas based on their real need for funding not the ability and staff to compile statics for grant applications.

Answer 3. I feel the federal government should be open more to experimentation on programs targeted to reducing juvenile crime. Many areas of our nation are different in many ways. Therefore, our approach should be targeted to our communities specific needs.

Answer 4. This is an area I must confess I do not have enough information to make a sound judgment. However, more money at this level of the problem would need close review.

MANDATES/REQUIREMENTS

Question 1. I would like to ask each of you about the four major mandates, (deinstitutionalizing status offenders; sight and sound separation; removing juveniles from adult jails; and reduction of minority confinement), which is the most difficult to stay in compliance with? What are the costs involved with staying in compliance?

Question 2. Are there requirements within the Act—either the mandates themselves, or regulations implementing the mandates—that need to be removed or changed in order for the Act to accomplish its intended goal?

Question 3. Many states have incorporated the goals of the Juvenile Justice Act into their state codes. Currently, most states are in compliance with the mandates. It seems that the Juvenile Justice Act has served it's intended purpose, which was to ensure that juveniles were treated fairly in the criminal justice system. In your opinion, could the mandates be removed and replaced with juvenile justice system goals? That preserves the national directive that States can follow, but if the states can't comply, they still have the opportunity for receiving funding.

Answer 1. For my rural area, sight and sound is the most difficult to comply with. Years ago, because we could not afford to comply, we completely shut down our juvenile detention center and associating programs that were on the drawing board.

Answer 2. On this question I feel we would all agree the primary goal is what is in the best interest of the child. But as juvenile crime has become more and more violent the matter of public safety has also become a major concern. While we may agree on what the problems are our differences will lay in the paths we choose to take to address these problems.

Answer 3. Yes. I feel that they could be removed as mandates and included in the goals of the juvenile justice system. This would give the needed flexibility to rural areas to reenter the fight for juvenile justice.

PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. Have the so-called challenge activities had a significant impact on delinquency in your state? Which activities are being conducted? Are the requirements to participate in the challenge activities burdensome? Does the cost to the state outweigh the additional 10% funding that is offered?

Question 2. I understand that one of these activities is to develop programs to provide access to counsel for all juveniles in the justice system and to ensure that juveniles consult with counsel before waiving their rights. Do you think that is a worthwhile program? What about the other activities such as increasing community-based alternatives to incarceration, or closing traditional training schools and replacing them with secure settings for no more than 50 violent juvenile offenders. Are these worthwhile and realistic goals?

Question 3. The Promising Programs book that the Office of Juvenile Justice and Delinquency Prevention provides lists a number of community programs that have been tried in other districts. However, very few of the programs have evaluation components attached to them. Does the absence of evaluative studies of these programs make it difficult when searching for innovative programs? Is the book helpful when looking for new programs?

Answer 1. Due to the mandates effectively removing our juvenile detention capabilities, my ability to provide an informed opinion is lacking.

Answer 2. Due process requirements in the law provide that this be available to all suspects. However, I feel there is a need to review such programs as to the cost and effect on the entire juvenile justice system be made to ensure they are assisting in accomplishing the overall goals.

I do not see a need for any increase in alternative incarceration programs, as there are many now available in most jurisdictions and are continuing to evolve constantly. Smaller groups would assist staff in management and provide more opportunity for more one on one counseling and education which should lead to a higher success rate and less recidivism. I feel these are realistic goals if pushed down to the county level for planning, design, and implementation.

Answer 3. I feel that programs without some type of evaluation process even if they are successful will tend to stagnate.

QUESTIONS FROM SENATOR ALAN K. SIMPSON TO MR. CARSON

Question 1. You stated that the JJDPA mandates have effectively reduced the respect that juvenile offenders in your area have for the justice system. What specific changes would you suggest in the mandates to address this problem?

Question 2. What kind of exemptions for rural areas would you support, and how might they be most efficiently designed?

Question 3. What suggestions would you make for modifying the JJDPA to make the four primary mandates more general and goal-oriented (as opposed to requiring specific actions regardless of local circumstances)?

Question 4. What additions to the act would you recommend to address the need for a greater Federal role in collecting and disseminating information on successful programs and providing technical assistance to States?

RESPONSES OF MR. CARSON TO SENATOR ALAN K. SIMPSON'S QUESTIONS

All witnesses: Without knowing the specific details of Senator Kassebaum's legislation, I feel from what you have outlined it would be an effective beginning.

Answer 1. By removing any immediate enforcement power other than cite and release from the law enforcement officer, you have made him the one person in the system who can do nothing but escort the juvenile home and make a referral. This means the first authority figure the juvenile comes in contact with demonstrates how inept the system can be. In rural areas, because of sight and sound requirements and deinstitutionalization of even the constant repeat status offender, why should there by any respect given when you can do almost nothing for the problem. I would have institutionalization as an option for repeat status offenders in order in intervene before the offenses do become criminal in nature. If rural areas had detention abilities for the short term, if would also give us the ability to involve the parents in a more formal way earlier in the process. This is something in years past proved effective for us in rural areas. I also feel that a relaxation of the sight and sound requirements would also allow rural areas to more effectively use existing facilities thereby easing part of the financial burden this has placed on poor rural areas. Quick response and short term detention capabilities used wisely does not mean it is to be used in every case we encounter. Most of our law enforcement duties with juveniles are discretionary and the more tools and options we have the more effective we can be.

Answer 2 and 3. These question are so closely related the answers seem to be part of each other. If you start a serious program of exemptions, the system may become too complicated and confusing. It may also become overloaded dealing with requests for exemption. The most efficient design would be in the modification of the existing

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mandates. They could become guidelines and goals to be achieved through a local monitoring process. I would envision a county board of juvenile justice review made up of law enforcement, social services, juvenile court, schools and parents from the community. Their job would be to monitor, assist and review the progress of the local juvenile program. They would report quarterly to local governing bodies and the governing State agency. I feel this would be two positive things immediately. One, bring together those groups who now provide a uncoordinated response to make a coordinated one within the juvenile justice system. Two, by having an excellent working base group and reporting back to local governments, this awareness would help with the attempts to gain more local funding. This review committee would also be able to review any case at any point in the system and assist at working toward compliance. We feel for rural areas, these changes would put us back in the business of working and dealing with our juvenile problems. It would also provide an organization on the local level that would be eligible for Federal funding assuring the funds get to the source of the problem.

Answer 4. A simple efficient method would be one similar to the new reporting system for the F.B.I. Uniform Crime Reports. One central State agency that accepts and filters out information needed locally and forwarded what is required to the F.B.I. If this can be done by computer then any facts, figures or results of local, regional or national trends could be retrieved in the same manner for local use. It would also be the most effective system to provide cost effective technical assistance on a mass scale from the OJJDP.

QUESTIONS TO ALL WITNESSES ON PANELS II AND III FROM THE COMMITTEE ON THE JUDICIARY

Question 1. Some critics have argued that the juvenile justice mandates—particularly the deinstitutionalization of status offenders and the jail removal requirements—have contributed to rising juvenile crime rates.

At the last hearing, however, experts testified that significant increases in juvenile crime rates began around 1985—when crack cocaine entered our cities, and access to guns dramatically spread throughout our inner cities. The mandates began in 1974.

Now, given the fact that this increase started over a decade after the mandates went into effect, do you think it's reasonable to blame the mandates for our juvenile crime problem?

Question 2. Many juvenile facilities suffer from significant overcrowding, which in turn leads to greater violence between juveniles, more attacks on staff, and less rehabilitation.

In your experience with your local juvenile justice systems, have you seen overcrowding problems, and what are the consequences of these problems?

Would you support more targeted efforts to fund juvenile detention facilities?

Question 3. Some critics of the mandates argue that they have nothing to do with prevention of crime, and are therefore not a good investment. Yet studies have confirmed the common-sense proposition that once a juvenile is thrown in with adults, he hardens, making rehabilitation much harder.

Given your experience with the Act, do you think that separating juvenile from adult prisoners contributes to preventing crime?

Question 4. In my own State of Wisconsin, we have been able to work out an exemption to the prohibition on shared staff, so long as staff does not work with both juveniles and adults during the same shift, and all staff are properly trained and certified. This exemption was worked out with, and ultimately approved by, the Office of Juvenile Justice and Delinquency Prevention.

Do you think that there is a way to work out something similar in your state that could deal with your particular difficulties with the mandates, yet maintain the basic principles of maintaining virtually complete separation of juveniles from adults?

Question 5. During these hearings, I have heard many complaints about the mandates, but in order to try to deal with these matters legislatively, it is critical that we have specific information and specific solutions. We need to know what flexibility you need, and what limits there should be on that flexibility to ensure that we guarantee the protection of young people without hampering law enforcement.

Could you list what you are doing now—as required under the mandates—that you do not want to do?

Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Question 6. Several complaints regarding the disproportionate representation of minorities mandate suggested that this mandate is onerous because it requires that the percentage of incarcerated juveniles must equal the number of juveniles in the general state population—sort of a prison quota. Specifically, some of the witnesses went so far as to suggest that they are "in violation" of the act if there is an imbalance.

In fact, the mandate (42 U.S.C. 5633(a)(23)) only requires that states submit plans for implementing the Act that "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

From my reading of this, States are only required to include provisions in their state plans that "address efforts" to fight over representation—there is no requirement that they actually achieve equal representation, or anything close to it.

Do you read this differently? Can you explain specifically why this section causes problems for you in implementing the Act? Do you think we should delete this mandate, and not require any efforts towards rectifying over representation?

Question 7. We are always trying to learn more about what is effective at each level of the juvenile justice process. What studies have been done in your state that indicate the effectiveness of any prevention, intervention, or incarceration programs in your state at either the state or local level? It would be very helpful if you would supply a copy of each report and summarize the results.

RESPONSES OF MR. CARSON TO COMMITTEE ON THE JUDICIARY'S QUESTIONS

Answer 1. No. I do not believe anyone would blame all our juvenile crime problems on the mandates. But I feel that whatever we signify as the cause or causes of our problems they did appear and are here. In rural areas, I feel you would have to agree that the mandates have not provided any assistance in combating the problem.

Answer 2. Our area did not suffer from overcrowding problems before our exit from this area of service. We would whole heartedly support more targeted efforts to fund juvenile detention facilities.

Answer 3. Yes. I would agree that juveniles and adults need separation and definitely not to be cell-mates.

Answer 4. In an earlier answer, I stated my concern for this method may open the flood gates with repeated requests and changes constantly. I feel it would be adding to the bureaucracy. Mandate modification appears to me a simpler way to address the problems broad base. I believe the modification can be done maintaining virtually complete separation of juveniles from adults.

Answer 5. On all offenses, we are babysitting the offender until a solution can be found even status offenses. The mandates due to our economic conditions leave with no detention facility within 60 miles and none in county. We have become ineffective in dealing with any status offenders. We are babysitters and bus drivers.

We would like to have a detention facility within a reasonable distance. At my department, we would desperately like to have the ability to detain juveniles at least 24 to 72 hours until other arrangements can be made.

Answer 6. Although my community does not have a very large minority population, this mandate would provide the least amount of difficulty to deal with. I concur with your interruption of the reading of the mandate.

Answer 7. Due to the current mandates, we have been out of the business of dealing with detentioned juveniles for some time. During this time also officers began to avoid juvenile problems whenever possible. So no studies locally are available and at this point I feel they would be inaccurate in measuring the problem because of the large numbers of non reported incidents.

RESPONSES OF MR. OEDEKOVEN TO SENATOR HATCH'S QUESTIONS

DRUGS AND CRIME

Question 1. I am deeply disturbed by the recent indications that drugs are once again on the rise with our Nation's youth. I think we all recognize that drugs fuel much of the violent crime problem in America, particularly in our urban centers. In your opinion, what needs to be done to prevent children from becoming involved with drugs in the first place?

Answer 1. I am also deeply disturbed by the indication that drugs are again on the rise. My Department is very active in the D.A.R.E. (Drug Abuse Resistance Edu-

cation) Program, youth to youth, peer group counseling, developing teen leaders, and interacting with the schools with our overall goal of providing an opportunity for our kids to discuss crime and drug problems before they become a problem in the criminal justice system. As costs have risen, we have more and more two parent working families or single parent families and less supervision for our children. We are very blessed in our community in that we have a lot of activities and youth programs which help channel the enthusiasm and the energy in the right direction. Even in rural America we are seeing that the crimes committed by our youth are becoming more violent. Their destructions of property are becoming very expensive. Their assaults are happening at a younger age and the violent felonies are no longer restricted to adults aged 18 and older. A clear concise answer as to what to do with our nations kids to prevent them from being involved with drugs in the first place is a very difficult one. My opinion is that we take measures to strengthen the family and to ensure that communities are providing opportunities for youth that are challenging, stimulating, and rewarding. I would suggest that we not dictate this on a national level, but that we promote it and that local communities be allowed to go forth and experiment and find new ways to keep kids off drugs. Removing drugs from society in the first place would be a great help.

Question 2. Have the type of crimes committed by youths in your jurisdiction changed much over the years? Do you feel that a different approach to combating juvenile crimes is needed?

Answer 2. As I indicated above, our youth's crime is changing. They are becoming more violent, destructive, antisocial, and rebellious of authority. Home is not curing the problem either. Local communities must be allowed to set standards and involve everyone in finding solutions.

PHILOSOPHY

Question 1. Recently the trend in State legislatures has been to change the juvenile delinquency declaration of purpose from rehabilitation to retribution and punishment. Indeed in today's Washington Post [March 12, 1996], there is an article about the Virginia Assembly's legislation that would require teenagers as young as 14 to be tried and sentenced as adults for murder and other violent crimes. It would also open to the public, juvenile court proceedings and records for felony cases. Do you agree with these changes? Should the goal of the juvenile court system be closer to that of the adult criminal system?

Answer 1. to some extent your phrase in your first sentence of a change from rehabilitation to retribution and punishment is indeed part of the problem. My philosophy is we should have all three, not just one. We have been directed from all levels to do rehabilitation and have not folded in the other factors of retribution and punishment. We have been told that juveniles do not commit crime. they commit infractions. They can have their record clean or their acts removed at some point in the future. I do not disagree with the basic concept that at some point in the future a mistake as a youth should not haunt you forever. As to the changes in dealing with juveniles, I believe the legislature is taking the correct approach as today's youth are becoming more violent and destructive at a younger age. Rehabilitation of a 15-year-old that is selling crack cocaine, doing drive by shootings, and stealing cars for the thrill of it is a little different from a 14-year-old who in my are eggs a car on Halloween, steals Christmas tree lights and droops them around a sign, and shoots out street lights. The serious juvenile crimes should be recognized as that, serious. The youth of today know that nothing happens to them and that their record will not follow them. There is no consequence. Thus, there is no threat of punishment. After all, when they become an adult their juvenile records are sealed. Basic philosophy wise, serious crimes should be treated more like adult crime and at a younger age since they are perpetuating it at a younger age. The proceedings should be open so the youth, family, and the community are aware of what is going on.

Question 2. It seems like each of your respective States have implemented slightly modified versions of the Juvenile Justice Act; each State has tailored the programs to its individual, local needs. I am generally skeptical about Washington Imposing programs on the States. For example, while I believe that a balance between prevention and incarceration of juveniles should exist, isn't this a decision that should be made at a local level, instead of the Federal level?

Answer 2. I agree. The best decisions are made at the local level instead of at the Federal level. I applaud your direction as indicated in the question that you would like to see the states and local levels decide and modify the Juvenile Justice Act to tailor to the needs of the local jurisdictions. I would further like to see the Juvenile Justice Act be a guideline as opposed to a mandate. Wyoming does not

have the problems of New Orleans, New York, Detroit, or any other major metropolitan area. I hope we never do although those problems are encroaching each and every day. The solutions to problems that you hear about or the atrocities that are presented by large jurisdictions do not fit Wyoming and thus we should not suffer the consequences either. Therefore, I support and applaud your philosophy that decisions should be made at the local level.

Question 3. What is your opinion of earmarks such as boot camps, mentoring, intensive supervision or others? Research—at least up to this point—has not been kind to any of these earmarked programs. It seems that recidivism rates are static if not higher after attendance in a boot camp. These programs do not seem to be curbing the delinquency rate. Should we, the Federal Government, remove the earmarks to let States experiment with various types of programs or, at the very least, fund only those programs that have shown through research and evaluation to be effective in curbing youth crime?

Answer 3. I agree that it should be left at the local level to experiment with programs and learn from others to enhance programs that deal specifically with local area issues. The difficulty with funding only programs that research and evaluations have shown to be effective is that at some point every program was new and untested. Somebody next week I hope comes forward with a new program, experiments with it, proves it to be successful, and all areas can then learn and thus we are all successful. I would offer caution in only funding those programs that are proven to be effective as it would eliminate new programs coming forward. I would ask that you allow States to experiment as States know their issues best and can tailor programs to fit their specific needs.

Question 4. Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) a helpful institution to State advisory groups in terms of policy? Should more money be allocated by the Juvenile Justice Office to provide technical assistance to the State advisory groups?

Answer 4. Question number 4 is almost contradictory in that OJJDP, in my opinion, does not offer helpful advice. It offers mandates and advice on how to follow the mandates. I would welcome technical assistance to state advisory groups or to individual agencies and entities as they set up and deal with particular problems and programs. As we attempted in Wyoming to comply with the mandates, we found that there was no latitude, little guidance, it was black and white, and follow it or else.

MANDATES/REQUIREMENTS

Question 1. I would like to ask each of you about the four major mandates, (deinstitutionalizing status offenders; sight and sound separation; removing juveniles from adult jails; and reduction minority confinement), which is the most difficult to stay in compliance with? What are the costs involved with staying in compliance?

Answer 1. For me the total sight and sound separation, removal of juveniles from adult jails, and deinstitutionalization of status offenders are the three most difficult areas for me to comply with. The reduction of minority confinement would be the easiest. I do not have a problem with minority confinement as the minority population in my community is hard working and forthright and thus their children are not in trouble.

We do not place our juveniles in jail with adults. While in Washington, the impression I was left with was, you were somewhat surprised that since we were not complying with the Juvenile Justice Act that somehow meant we were throwing juveniles in with adults. That is not true. We have entirely separate areas. We have entirely separate day rooms, wings, bedrooms, etc. The difficulty is that according to the mandates we are not separate enough. In Wyoming, we do not have the luxury of having completely separate facilities for different groups of criminals. Each county generally has one jail and everyone is housed in that one jail. By removing juveniles from an adult facility for the very few number of kids that ever make it to jail in the first place is a very difficult area for us to comply with.

Cost will be very difficult to measure. If we were participating in the act, we would have to building and staff a multi million-dollar facility. Since we choose not to comply with the act, kids are housed in adult jails, they are separate, and we are not spending that money.

Question 2. Are these requirements within the act—either the mandates themselves, or regulations implementing the mandates—that need to be removed or changed in order for the act to accomplish its intended goal?

Answer 2. I agree with the basic premise of the Juvenile Justice Act that kids do not belong in jail. I also believe that jail needs to be one component of dealing with the criminal behavior of our youth. The difficulty is the Act is creating man-

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dates instead of guidelines or federal direction. It does not leave open to interpretation various geographic, regional, state and local issues. It merely creates a mandate that is very difficult to comply with. I would like to see the act streamlined, that it be a federal guideline, and that states be left to comply with the guidelines taking into account the specific needs of the state. With a block grant approach to the state, they could decide which component is weak and thus which component needs the money whether it is rehabilitation, retribution, or punishment? I believe it would be simplest and we would actually accomplish more by having federal guidelines with a block grant approach as opposed to mandates and specific funding guidelines that require states to comply.

Question 3. Many States have incorporated the goals of the Juvenile Justice Act into their State codes. Currently, most States are in compliance with the mandates. It seems that the Juvenile Justice Act has served its intended purpose, which was to ensure that juveniles were treated fairly in the criminal justice system. In your opinion, could the mandates be removed and replaced with juvenile justice system goals? That preserves the national directive that States can follow, but if the States can't comply, they still have the opportunity for receiving funding.

Answer 3. You are correct. In Wyoming, even though we are not a participating State in the Juvenile Justice Act, we have modified our juvenile code. It does comply with the basic guideline. We are keeping kids separate. It would certainly simplify and streamline a lot of paperwork and may eliminate several positions that are being funded through taxes. We could get down the basic problem of rehabilitation and punishment and what is appropriate in each area based on the local needs and problems. I like this approach.

PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. Have the so-called challenge activities had a significant impact on delinquency in your State? Which activities are being conducted? Are the requirements to participate in the challenge activities burdensome? Does the cost to the State outweight the additional 10% funding that is offered?

Answer. 1. Because Wyoming is not participating in the act, we are not eligible for challenge activity's grant funding, however, in reviewing the list of challenge activities, I am happy to report that most communities in Wyoming comply with most of the challenge activities. As to whether or not they have had a significant impact on delinquency, I would offer it is very difficult to tell. While youth crime numbers are increasing, would they be increasing at a higher rate if we were not doing the activities. Looking over the general list and the general theme behind each of the challenge activities, I would offer it is good business to do it anyway so their measure and effect would be very difficult.

Question 2. I understand that one of these activities is to develop programs to provide access to counsel for all juveniles in the justice system and to ensure that juveniles consult with counsel before waiving their rights. Do you think that is a worthwhile program? What about the other activities such as increasing community-based alternatives to incarceration, or closing traditional training schools and replacing them with secure settings for not more than 50 violent juvenile offenders. Are these worthwhile and realistic goals?

Answer 2. We provide public defenders for our youth now if their parents have not made any other arrangements. With not having actually reviewed the requirements, it would be difficult for me to say whether this is a worthwhile program. However, it it is like everything else, it probably creates and contains more mandates as opposed to simple guidelines for us to follow. We have a full array of community-based alternatives to incarceration and we are very active with those programs. Wyoming has changed its training to more of a therapy and treatment rehabilitation setting. I believe we are working on those goals.

Question 3. The Promising Programs book that the Office of Juvenile Justice and Delinquency Prevention provides lists a number of community programs that have been tried in other districts. However, very few of the programs have evaluation components attached to them. Does the absence of evaluative studies of these programs make it difficult when searching for innovative programs? Is the book helpful when looking for new programs?

Answer 3. I am not familiar with the Promising Programs book, so I am at a loss for commenting on that particular book. I would offer that law enforcement actively seeks other program ideas from all areas of the country. Having an evaluation to go with a program to know whether it was effective rather than just a good idea would be helpful.

RESPONSES OF MR. OEDEKOVEN TO SENATOR ALAN K. SIMPSON'S QUESTIONS

Question 1. It is evident from the testimony we have heard that "one size fits all" solutions won't solve the juvenile crime problem in every part of the country. Would you support legislation like Senator Kassebaum's Youth Development Community Block Grant Act? Her bill would consolidate 19 Federal youth development and prevention programs into a block grant to the states. This would allow state and local governments the flexibility to adapt to a changing juvenile population, and to design programs that fit their own particular circumstances.

Answer 1. I agree one size does not fit all. In fact it is very frustrating in Wyoming for us to be imposed with solutions to problems in New York City, Detroit, Dallas, or Los Angeles. I would applaud a block grant approach for local communities to decide what local problems are and what local solutions are needed. A consolidation of programs would be great. Hip hooray for using a common sense approach of consolidation of program and block grants and communities determining what the problem and thus what is the best solution.

Question 2. We all agree that it is desirable to detain juveniles separately from adults. Please give examples of detailed adjustments we could make to the JJDPA to provide the necessary flexibility to accomplish this objective in rural areas with low levels of crime.

Answer 2. Wyoming state law requires separate housing, federal mandates require totally sight and sound separate. The administrative rules that go with those mandates make it virtually impossible for any jail in Wyoming to comply with federal mandates. The spirit of the mandate is to keep juveniles from adult prisoners. I believe you could wipe the mandates out and provide a federal policy statement that juveniles be held separate and their rural areas would have a completely separate area within their jail for the housing of juveniles. This would keep with the spirit of the regulations and be more realistic to achieve.

Question 3. Should the federal government be involved at all in rural areas beyond providing funds for research and grants for community initiatives?

Answer 3. The atrocities the congress learns of and thus reacts to generally happen in large metropolitan areas or are isolated incidents. If we are going to have federal reaction to those incidents, keep them specific to a particular problem, and provide guidelines to the rest of the country. Funds for research and grants would be a welcome alternative to what we get now, which is a federal reaction to an outrageous act which creates law and regulation that we then must all abide by even though we didn't have the problem in the first place and thus the cure has created a greater problem.

Question 4. What suggestions would you make for modifying the JJDPA to make the four primary mandates more general and goal oriented (as opposed to requiring specific actions regardless of local circumstances)?

Answer 4. I would like to see the four primary mandates be redefined as a national policy guideline and that it be more general, goal oriented, and remove the specific mandate language and thus remove the requirements. If we were not keeping juveniles separate from adults and an adult took advantage of a juvenile, the jail and the administrator would then be sued and that is the remedy. The fear of a law suit hangs over all of our heads and rightfully so. Are we keeping all the people incarcerated safely? An even more simple question would be, do we need the mandates at all recognizing that if we do not keep our people safe, we are subject to liability.

Question 5. What additions to the act would you recommend to address the need for a greater Federal role in collecting and disseminating information on successful programs and providing technical assistance to States?

Answer 5. A federal role in collecting and disseminating information would allow those of us in need from time to time a resource to solicit information from, review, and to see what would be appropriate for our local problems and to implement bits and pieces from several successful programs to tailor a solution at the local level.

Question 6. You mentioned the need to have jail as an option for chronic juvenile offenders. What specific recommendations would you make for exemptions from the deinstitutionalization provision of the JJDPA?

Answer 6. The courts are becoming very frustrated with not having jail as an option for basic status offenses. What is the court to do with the chronic MIP that is not responding to therapy or when parents are not involved in therapy? The juvenile knows the only thing he can get sentenced to, is more community service time? When I was growing up and punishment was in order, many times that involved going to my room, shutting the door, quiet time, and a list of things that needed to be done. Today the courts do not have that as an option. They cannot sentence someone to jail to go to their room, not watch television, and to accomplish a list

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for the court. We have lost sight of the basics and I think we need to return to the basics. The second difficult issue in dealing with status offense is that of the runaway from a large metropolitan area traveling through rural America on their way to points unknown who has very little respect for authority, is antisocial, and is picked up in a rural community. Where do we place this juvenile? In a non-secure facility where they break out and create yet another destruction and run away again. I believe we should hold them in a secure facility and in a rural area that would be the local jail and await their parent's intervention and return them to their parents as soon as possible. The danger here is that once jail becomes an alternative, it can become the only alternative. It needs to be the last alternative, but still an alternative in some cases.

RESPONSES OF MR. OEDEKOVEN TO THE COMMITTEE ON THE JUDICIARY'S QUESTIONS

Question 1. Some critics have argued that the juvenile justice mandates—particularly the deinstitutionalization of status offenders and the jail removal requirements—have contributed to rising juvenile crime rates.

At the last hearing, however, experts testified that significant increases in juvenile crime rates began around 1985—when crack cocaine entered our cities, and access to guns dramatically spread throughout our inner cities. The mandates began in 1974.

Now, given the fact that this increase started over a decade after the mandates went into effect, do you think it's reasonable to blame the mandates for our juvenile crime problem?

Answer 1. I believe it would be very difficult to refer to a singular issue or singular event as having the cause of a juvenile crime increase. I believe there are many issues that must be considered and drugs are certainly at the top of the list. The second issues would be the breakdown of the family and the supervision that families should impose on their kids. I do not believe it is reasonable to blame mandates for the juvenile crime problem. I do believe, however, the mandates are having an effect. Jurisdictions are frustrated with incarceration and do not view incarceration as an option. In an attempt to comply with the mandates, agencies now cite and release juveniles. In the past, the same juveniles would have been placed in jail. This is creating an overall disregard for the criminal justice system as it lacks a perceived degree of punishment. All of these factors contribute to the problem and is not a singular place to blame.

Question 2. Many juvenile facilities suffer from significant overcrowding, which in turn leads to greater violence between juveniles, more attacks on staff, and less rehabilitation.

In your experience with your local juvenile justice systems, have you seen overcrowding problems, and what are the consequences of these problems?

Would you support more targeted efforts to fund juvenile detention facilities?

Answer 2. We do not have an overcrowding problem, however, we also do not have juvenile justice detention facilities. I would welcome some efforts to fund where appropriate juvenile justice facilities. Building them is the easy part, it is the long term cost associated with running them that would be very difficult for many including our jurisdiction to accomplish. I don't think we can out build the problem.

Question 3. Some critics of the mandates argue that they have nothing to do with prevention of crime, and are therefore not a good investment. Yet studies have confirmed the common-sense proposition that once a juvenile is thrown in with adults, he hardens, making rehabilitation much harder.

Given your experience with the act, do you think that separating juveniles from adult prisoners contributes to preventing crime?

Answer 3. I once again wish to reiterate we do not place juveniles in with adults. I don't know of any place in Wyoming that does. I don't know of any other administrator that I have ever talked with that does. A bigger problem philosophy wise would be placing a first time offender juvenile in with a repeat offender juvenile—that hardens the youth as well.

Question 4. In my own State of Wisconsin, we have been able to work out an exemption to the prohibition on shared staff, so long as staff does not work with both juveniles and adults during the same shift, and all staff are properly trained and certified. This exemption was worked out with, and ultimately approved by, the Office of Juvenile Justice and Delinquency Prevention.

Answer 4. Once again, I wish to reiterate that our juveniles are not held in the same area of the jail and thus do not interact with adults. The difficulty with having completely separate staff in a very small jail such as mine, is that the staff person cannot open a door for an adult on the same shift that he opens a door for a juve-

nile. Since the facility is very close and small, it is unrealistic to have two people occupying a single place to open doors, one to open doors for juveniles and one to open doors for adults. We maintain the basic principle of keeping our juveniles separate from the adults, however, total staff separation is unrealistic in our case.

Question 5. During these hearings, I have heard many complaints about the mandates, but in order to try to deal with these matters legislatively, it is critical that we have specific information and specific solutions. We need to know what flexibility you need, and what limits there should be on that flexibility to ensure that we guarantee the protection of young people without hampering law enforcement.

Could you list what you are doing now—as required under the mandates—that you do not want to do?

Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Answer 5. Wyoming does not participate in the act therefore, we do not comply with the mandates of the act. We comply with the basic goal or principle as required by state statute of keeping juveniles separate from adults. So I will answer this question in terms of philosophy as to the mandates as opposed to the realities since we are not complying. I would like to see the legislation change from a mandate legislation to that of a goal statement and guidelines and eliminate specific mandates, one size fits all. In our very small jail it is unrealistic to have totally separate staff to deal with juveniles and to have a totally separate hardened area in a completely separate part of our jail. Our juveniles are housed separately. The only time that they may see an adult inmate is if they look out the window at just exactly the right angle to see someone walk by. We have control at our facility. The juveniles and adults do not yell at each other and yet because there may be a possibility that you could hear someone from one end of the hall to the other, we do not comply with being sound separate. I would like to be able to place antisocial runaways from other jurisdictions in our secure jail while we await their parent's arrival so that we can keep these juveniles safe and out of harm's way rather than place them in a non-secure setting to which they can then run away from.

Question 6. Several complaints regarding the disproportionate representation of minorities mandate suggested that this mandate is onerous because it requires that the percentage of incarcerated juveniles must equal the number of juveniles in the general state population—sort of a prison quota. Specifically, some of the witnesses went so far as to suggest that they are "in violation" of the act if there is an imbalance.

In fact, the mandate (42 U.S.C. 5633(A)(23)) only requires that States submit plans for implementing the act that "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in general population."

From my reading of this, States are only required to include provision in their State plans that "address efforts" to fight over representation—there is no requirement that they actually achieve equal representation, or anything close to it.

Do you read this differently? Can you explain specifically why this section causes problems for you in implementing the act? Do you think we should delete this mandate, and not require any efforts towards rectifying over representation?

Answer 6. Wyoming has a very small minority population. Thus, we have a very small minority representation in jail. In my community, we have virtually no problem with our minority population. I believe this mandate loses track of the basic premise of those who commit crimes need to be dealt with. The act should not differentiate between races of criminal. If the law is broken, the law should deal with them. I would suggest removal of this mandate from the act.

Question 7. We are always trying to learn more about what is effective at each level of the juvenile justice process. What studies have been done in your State that indicate the effectiveness of any prevention, intervention, or incarceration programs in your State at either the State or local level? It would be very helpful if you would supply a copy of each report and summarize the results.

Answer 7. Our state at the direction of the governor, even though we were not participating in the act, funded a juvenile justice study on two separate occasions as to the overall direction for both the legislature and local communities in dealing with juvenile crime. I will attempt to get a clean copy of that sent to Senator Thompson's Office in the near future.

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RESPONSES OF MR. LUICK TO SENATOR HATCH'S QUESTIONS

PHILOSOPHY

Answer 1. Concerning recent action taken by the Virginia Legislature that would require teenagers 14 years or older to be tried as adults for murder and other violent crimes, many states have taken similar steps to increase the response to violent acts committed by juveniles by lowering the age of adult court jurisdiction for specific offenses. *In Wisconsin, legislation has* also been enacted within the last year that lowers the age of adult court jurisdiction for serious and violent criminal offenses committed by juveniles. Once a youth is waived into adult criminal court or automatically enters that system due to the nature of the offense, he or she is automatically covered by the adult criminal court regulations relative to open hearings and records for adult court action. Juvenile court records would be kept confidential. When juveniles are tried as adults, they would be treated as adults and their records would be available for review. Where the behavior of juveniles mirrors serious adult violent crime, I believe that the individual should be handled within the adult system. Where problems are most likely to arise is with the adult system in finding appropriate sentencing alternatives for these youth. Overall, the state is attempting to balance the needs of the community for protection, the need to hold individuals accountable for their actions and the desire to rehabilitate or change the behavior of individuals to prevent subsequent criminal conduct.

Answer 2. I agree that the states need to have the flexibility to address their most pressing needs—whether they are in prevention, detention or early intervention. While it should be understood that the federal funds are appropriated to states in order to address a specific set of juvenile justice concerns, and that the states which receive those funds should be obligated to work towards addressing those concerns, the specific methods, timetable, and approach employed should be left to the discretion of the state. The role of the federal government/agency can then be directed at providing technical assistance, not simply focused on compliance monitoring.

Answer 3. The dual goals of the JJDPA are to improve the juvenile justice system and reduce delinquency. Bootcamps, Mentoring, and Intensive Sanctions are projects that may improve the juvenile justice system in any given state. The extent to which any project can reduce delinquency is minimal at best, and extremely difficult to measure. The earmarking of funds through the federal legislation should, I believe, occur where the federal government has an interest in establishing a large number of projects of a specific type so as to determine whether or not these projects will have a broad based impact and move towards "fixing" a specific problem. Mandates without specific goals tied to research or evaluation do not appear to be successful in meeting the Congressional intent of a program. As such:

Boot camps should be tested as an alternative to traditional juvenile correctional institutions. They should be studied with respect to their cost per unit of service, the type of offender that they work best with and the services that the structure promotes. They should be seen as an alternative to traditional correctional placement which hopefully delivers a higher level of service at a lower cost and with reduced recidivism among those clients they serve.

Mentoring is an obvious component that can, and perhaps should, be part of any project. To mandate or earmark funds specifically for mentoring supports a project component and is unnecessary if the level of information sharing and technical assistance is sufficient to let others know how successful this activity can be as an integral part of any other project.

Intensive Supervision, as with bootcamps, can be useful as an alternative to a secure placement or as an intermediate step to enforce rules of supervision. As such, intensive supervision is a tool that can be effective if it is employed as a component of an overall planned approach to dealing with delinquent or criminal behavior. Again, to mandate this as a separate program or project does not address the utility of the intensive supervision or sanctions in the overall effort to impact behavior.

Answer 4. At the present time, the Office of Juvenile Justice and Delinquency Prevention is viewed as a compliance enforcement agency. The Office obviously has the interest and capacity to be a technical assistance provider, but the focus of attention has been enforcing the mandates rather than looking at the broader issues that need to be addressed through information sharing, research and analysis. Federal agency staff could be most helpful if they were more focused on understanding state operations, knowledgeable in ongoing and available research and in effective communications with state advisory groups and legislative bodies. Should more money be allocated to these functions? Yes. Is additional money needed? That depends on the level of mandate enforcement that is expected and the extent to which time spent on regulation could be shifted to technical assistance.

MANDATES/REQUIREMENTS

Answer 1. The difficulty with staying in compliance with the federal mandates, specifically with deinstitutionalization, sight and sound, and removal of juveniles from adult jails, is felt at two levels. The first is with respect to technical requirements for documenting the number of out-of-compliance holds. Local agency record keeping is difficult for any state or federal agency to regulate. The specificity needed to determine if the reason for confinement was truly a status offense, a violation of the rules of supervision following a finding of delinquency for a criminal act, or a new charge can be quite difficult and time consuming. Given the required "de minimis" levels under the Act, however, it is now critical to our continued compliance.

Second, changing conditions, state law, and public attitudes, along with the perceived increase in juvenile criminal activity, places additional pressure on the available secure detention bed space. This creates additional pressure on local officials to use existing space or resources in the county jail and, therefore, increases the number of out of compliance holds. The costs of staying in compliance are impossible to calculate accurately due to the variety of factors that are involved.

For example, this agency prepared a report for the legislature concerning the costs to transport juveniles to secure detention facilities in other parts of the state. This study indicated that the costs simply to transport 2,600 juveniles during 1994, that is, for gas and oil, mileage, and the salary and fringe benefits for the transporting officer, range from approximately $311,000 to $490,000, depending on the number of officers involved in the transport. Although this cost is less than the annual costs associated with operating even one additional detention center in the state, it does not include the aggravation factor or the cost of taking an officer, in some cases, the only officer on duty, from an entire county, and having that person leave to transport a juvenile.

The issue of compliance with the disproportionate minority confinement is relatively new. Compliance with the mandate has not been particularly difficult because, so far, the only requirements have been related to conducting studies. At this point, Wisconsin is beginning the analysis of a recently completed Phase II study report which appears to indicate that the juvenile justice system is not, *per se*, the cause of the apparent disproportionate minority confinement. What will be expected following this finding is not yet clear. (See response to Senator Kohl's question number 6)

Answer 2. If the goals of the Act are to improve the juvenile justice system and reduce delinquency, the mandates clearly need to be rethought. If there is a continuing evidence that juveniles are being mistreated or do not receive proper care while they are held in secure confinement, then a requirement for standards or conditions of confinement should be developed. The concern should be with standards that actually impact the treatment that the youth receive, not where the building is located or who supervises the staff. A study of the fifteen detention centers in Wisconsin indicates that strict adherence to the jail removal mandate relative to complete separation of facilities and staff was unnecessary if the goal is to provide consistent, high quality care to juveniles in secure confinement.

Answer 3. Yes, the mandates should be reduced and replaced with goals specifically designed to address the problems noted in a national needs assessment such as one on the conditions of confinement recently authored by ABT and Associates. Too often we find ourselves saying that the system needs more detention beds, or it needs more judges, etc., rather than a "real" problem statement based on objective analysis. If we would, the program would be more focused on issues related to the increase in youth violence, limited parental supervision, single family households, poor physical health, teen attitudes concerning drugs and etc. If problem statements are properly drawn, there should not be any difficulty with states being able to design and implement projects to address those concerns and thereby be responsive both to nationally recognized goals and local operational needs.

PROGRAMS/IMPLEMENTATION/EVALUATION

Answer 1. Challenge activities are an opportunity for the federal government to directly encourage projects of a specific type so that states can experiment with alternative methods for dealing with the identified problem or condition. We are currently supporting two such activities; an intensive aftercare project for juveniles being released from a bootcamp facility and returning to rural areas that do not have access to intensive supervision services, and, an alternative to secure detention, intensive supervision project, based on the expectation that caseworkers with lower case counts can address both the public safety and accountability concerns of the community without the need for secure confinement. The biggest difficulty to

date with implementing the challenge grants has been the lack of time to fully implement them and begin the monitoring process. The requirements of the program are not particularly burdensome and well worth the effort to secure the additional funding.

Answer 2. The question concerning the value of project activities related to providing counsel to juveniles before they may waive specific rights may be a legitimate research effort if the intent is to determine the outcomes for the youth. Is the goal to make the juvenile system like the adult system or to "help" the youth? As the juvenile justice system becomes more like the adult system through measures like this, the distinction between and among the various types of youthful offenders is lost. Clearly a youth charged with a brutal homicide, rape or assault should be dealt with as though they were involved in an event that must impact the rest of his or her life. The system must have the flexibility and interest to see the distinction in the types of behavior and react appropriately to have an impact on the actions of these youth and to ensure that the conduct is not repeated.

Whether a "juvenile training school" is 50 beds or 150 beds should not be of any interest to policy makers. Unless there is clear evidence that facility size by itself is a determining characteristic in the quality of care and the overall conditions of confinement, the size of the facility should be of no concern. Any suggestion of this sort needs to be addressed either through existing empirical evidence or through a suggestion or theory that there is some intrinsic value in regulating the size of the facilities. The types of questions that must be asked include: Are 50 bed facilities going to provide more effective services, are there economies of scale that will be lost and what are the outcomes in terms of future criminal behavior? The focus needs to be on outcomes, not structure.

Answer 3. The Promising Programs book is a useful compendium of project descriptions that can be used to design new projects. Evaluation is obviously needed yet the real questions surrounding what makes a successful project is more likely to be the involvement and dedication of the project staff and the commitment to make an idea work. Too often we get caught up in the nonessential aspects of the project, the politics, the physical nature of the building, and pay little attention to the structure and circumstances that help a project succeed.

RESPONSES OF MR. LUICK TO SENATOR SIMPSON'S QUESTIONS

Answer 1. A state should be expected to respond to the basic questions that underlie a mandate/program goal/core requirement or whatever the federal program requirement might be. For example, the jail removal and sight and sound separation requirements could have been based on an observed problem such as "juveniles held within immediate proximity to adults as routinely subjected to taunts, intimidation, and at times physical abuse by more sophisticated and physically powerful adults, based on the current physical and procedural conditions within many country jails. What steps does your state propose to eliminate the negative impact of such contact?"

This approach permits the state to prepare its plan to address the real purpose behind the federal interest rather than directing states to take action which in some cases is interpreted to require new buildings or drastic and expensive remodeling programs. In this example, sight and sound separation is a reasonable objective which a state can address through numerous methods such as through the use of curtains, addition to sound proofing, redirecting traffic through corridors, placement of doors. The requirement for sight and sound, which predated the jail removal mandate should have been sufficient, with proper regulation, to accomplish the intent of Congress.

Rather than regulating by mandate, the suggestion is that the Act establish the problem(s) which are behind the federal purpose for supporting the appropriation, then, whatever the problem area, states are directed to submit plans that identify their chosen process and methods for meeting those expectations.

Ideally, the federal program is established because of a broad level planning process that uses state generated data and problem analysis to identify those problems that may require a national response.

Answer 2. The role of the federal agency in collecting and disseminating information on successful programs and providing technical assistance to states would not be based on additions to the Act. If the Act was a clear statement of the federal purpose and a state's performance was based on a measure of its progress in addressing the program goals, the federal role would be more field oriented, less compliance monitoring, and, more likely, putting staff in a position of providing assistance and information than regulation and enforcement. This approach promotes a

collaborative, goal oriented process that would lead to changes in the federal/state staff relationships. This approach would further efforts to provide more of an evaluation and planning focus for the federal program that could greatly enhance the federal/state relationship.

RESPONSES OF MR. LUICK TO SENATOR KOHL'S QUESTIONS

Answer 1. It is not reasonable to blame these mandates or any program or act of state or federal government for the perceived increase in juvenile crime. Juveniles have been involved in an increasing number of high profile violent crimes that have outraged the public and raised questions concerning the traditional view of the juvenile justice system. Due to the high profile, violent nature of some juvenile crime, the perception is that the juvenile justice system is a failed system.

In my opinion, the traditional system works well for more juveniles as evidenced by the number who do not go on to additional or more serious offenses. Some juveniles have committed sensational crimes for which the cause is more likely to be drug or gang involved in addition to the specific family or community circumstances. Keeping juvenile offenders out of contact with adults in jail does not cause additional or more violent juvenile crime.

Answer 2. Virtually all facilities in Wisconsin are facing overcrowding problems. Most jails would not be able to find the separate space within their facility to hold another category of offender—such as juveniles. Overcrowding is generally thought to be the most difficult problem in managing any secure facility because it reduces segregation opportunities and reduces or eliminates the ability to schedule and operate program activities. In these instances, both staff and the residents are in a higher risk situation, and, as security awareness increases, program opportunities decrease.

It is difficult to argue against the proposition that if more beds are built, that they will be filled. This is due to a variety of circumstances such as legal changes, public opinion, and judicial philosophy—just to mention a few. It is generally accepted that a state cannot build its way out of a jail or prison crowding situation. Attention should be paid to who is in secure confinement and whether there are other acceptable alternatives to secure placement. A real danger is that if you make these facilities too accessible by building more beds or that if you enhance the quality of programs available within them, that the result is to increase the number of placements because of the success of the "treatment" being provided.

With all of these caveats, however, we would definitely support additional funds for secure detention facilities. In addition to staff and facility costs, this should include support for a federally coordinated examination of who is in secure confinement, the current physical and staffing conditions, and generally, the conditions of confinement in the various facilities throughout the nation. I would suggest an allocation to the states to secure the additional staff resources to engage in a comprehensive study that could be a component of the next multi-year plan as an addendum completed in 1997 or early 1998. This "snap shot" of detention conditions and needs could then be used to guide the development of a more targeted effort to fund juvenile detention facilities.

Answer 3. I believe that separating juveniles from adult prisoners makes sense from a facilities management sense, that it promotes and facilitates the provision of educational services that are required by law and in some states, the state constitution, and that most juveniles then have a better chance at separating themselves from further criminal involvement. It must be remembered that many if not most juveniles as well as adults end up in secure confinement because of behavioral problems more so than violent criminal behavior. The separation assists in making that distinction for the vast number of juveniles who require confinement.

Answer 4. Without this exemption, Wisconsin would not be able to participate in the program—even though the principles of the Act have been maintained. This level of flexibility is essential if program requirements are going to mandate specific methods by which program goals are to be met.

Answer 5. It is critical that the 72 hour hold provision contained in Senator Kohl's bill be included in the reauthorized Act. A major irritation with the Act as well as a primary safety and cost concern among counties without secure detention facilities is the need to transport juveniles long distances for short stays in detention. Under proper conditions of confinement, there should be no difficulty in holding juveniles in an approved portion of a county jail for this time period.

At times it is difficult to distinguish between the limitations due to the mandates and those resulting from the regulations that are established to implement those mandates. Conditions that must be clarified in the Act include the following:

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It must be clear that "collocation" of detention and jail facilities is an acceptable technique for accomplishing jail removal.

It must be clear that "shared staffing", under certain conditions of confinement is possible under the Act.

"Time phasing" of facilities such as gymnasiums and other recreational facilities, libraries, classrooms and other multi-purpose must be clearly permitted.

The criteria for determining compliance with the "sight and sound" requirement must be reasonable and recognize that an *absolute* prohibition concerning contact between adults and juveniles is both unreasonable and unnecessary.

In all three of these suggestions, the principles behind the recommendation are:

a. that access to these resources is more important than the potential negative impact of a haphazard contact with an adult inmate, which should not occur in a properly managed facility with proper sight and sound separation, and,

b. the costs associated with duplicating occasional use facilities such as those mentioned above are unreasonable, wasteful and unnecessary.

The jail removal mandate is by far the most difficult, and I believe, unreasonable mandate in the Act. If the requirements for exploring disproportionate minority confinement (DMC) are not expanded to require specific action even where the mandated studies do not show that it is the juvenile justice system that causes DMC, this mandate will have led to a better understanding of the problem and not promote an operational concern. Sight and sound separation, deinstitutionalization of status offenders and DMC are more defensible and, in fact, it could be argued that they reflect a direct relationship to congressional intent and address an understandable public policy goal—unlike jail removal.

Answer 6. I agree with your analysis concerning the requirements for a disproportionte minority confinement (DMC) study. As stated above, this requirement represents a legitimate and understandable public policy issue. It does not require specific action other than the development of a plan to address conditions that are documented as being present within a given area.

My opinion is that the process used to address the DMC issue is the process that should be used under this Act to; first, verify whether a specific problem exists; second, document the extent of the problem within a specific state or area, and, third; provide states with the flexibility to design specific responses that are appropriate for that states' specific conditions. Had the jail removal mandate been approached with the same process, it may well have shown that there was not a significant problem with secure detention facilities and services in some areas of the country or in some states. Whether DMC remains a "core requirement" or not should depend on the analysis of the information collected. Again, the approach taken for this area of interest should be a model for exploring other juvenile justice policy issues.

Answer 7. It is most unfortunate that compliance with the mandates, and again, specifically the jail removal mandate, has taken so much time and energy that an effective evaluation program has not been possible. We have, however, generated a major product concerning the incarceration program through a study of secure detention facilities. This study has previously been provided both to the Sub-Committee and to Senator Kohl. At this time, there is a real need to study the Juvenile Justice System in Wisconsin from the perspective of the impact of law enforcement decision making and community reaction to juvenile delinquent behavior on the states juvenile arrest data and subsequent criminal activity. As mentioned during the hearing on March 12, 1996, Wisconsin has the highest rate of juvenile arrests in the country, yet, a relatively low crime rate. What we should be able to spend time exploring are responses to questions like: What behaviors and system reactions are involved in the high juvenile arrest rate and relatively low crime rate? and, do the apparent early intervention activities of law enforcement agencies that increase the "arrest" rate have a direct impact on future delinquent and criminal activity?

COLORADO DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF CRIMINAL JUSTICE,
Denver, CO, March 27, 1996.

Hon. FRED THOMPSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMPSON: I would like to take this opportunity to thank you again for the opportunity to testify before the members of the Youth Violence Subcommittee of the Senate Judiciary Committee. As you will recall from my testimony, Colorado has done an excellent job balancing the core requirements of the Juvenile Justice and Delinquency Prevention Act with the need for responses to juvenile

crime. I believe that the Act's reauthorization will continue to provide our state with a needed resource in our battle to deal effectively with delinquent behavior.

Below you will find brief responses to the questions posed by members of the Youth Violence Subcommittee regarding the reauthorization of the JJDP Act. I hope these responses are helpful and will guide the Subcommittee toward an unequivocal commitment to reauthorization of the Act.

RESPONSES TO SENATOR HATCH'S QUESTIONS

Philosophy

Question 1. Do you agree with changes to lower the age of transfer of juveniles to adult court and to open juvenile court proceedings to the public?

Answer 1. The age of transferability in Colorado is already 12 years old for certain types of offenders. It is our experience, however, that the transfer of violent juvenile offenders into the adult system at such an early age is not an effective mechanism for reducing youth violence. The number of persons eligible for such transfer is minuscule compared to the overall number of violent offenders in the state, yet the programmatic burden on correctional agents to supervise these young offenders is particularly difficult. The existing juvenile program in Colorado is sufficient for dealing with serious offenders in nearly all circumstances.

Opening juvenile court proceedings to the public is usually considered when considering potential deterrents to juvenile crime. In this context, it is hypothesized that the anonymity of court proceedings protects the young offenders from public humiliation. Such a theory is speculative, however, and no evidence has been found in Colorado substantiating such a link. Because court proceedings are already open when the crime is particularly heinous (and the juvenile is handled in the adult system), there is little additional benefit to be gained by opening such access even further.

Question 2. Should the goal of the juvenile court system be closer to that of the adult system?

Answer 2. The adult system has shown to be no more of a deterrent or rehabilitative tool, and usually less, than that provided via the juvenile system. As a society which needs every young person to be a productive member of the community, to contribute to the workforce, and be self-supporting, reliance on the adult system is a signal to our constituents that we are unable or unwilling to respond to juvenile crime. We are, in essence, saying that we would rather "give up" then continue to expand on the programs which show promise. Balancing victims rights, accountability, due process, and responsible treatment is the most appropriate direction, not simply turning to an arena which has proven ineffective for others.

Further, how can we say the rehabilitative goal of the juvenile justice system does not work when most jurisdictions have not yet fully implemented a juvenile system? We might set up a juvenile court and rehabilitation system on paper, but lacking full funding and development of all the graduated responses to youth crime, it is not empowered to reach the lofty goals established for it. In those communities around the country in which a full service juvenile court exists, it seems that there are successes. Changing the goals of the juvenile system, rather than re-assessing objectives and resources used to attain those goals, seems shortsighted.

Question 3. Shouldn't justice policies be made at a local level, instead of the federal level?

Answer 3. Federal justice policies, as prescribed by the JJDP Act, provide the vision which is needed for states and communities to assess their own policies. The mandates provide a benchmark against which communities can judge their ability to effectively develop programs targeted at juvenile offenders. States which share an interest in pursuing these policies voluntarily enter into an agreement with the federal government to develop responsive programs and actions.

Remember, too, that the policies in the Act, as prescribed by Congress, are a direct response to concerns raised by policy leaders, parents, researchers, and others in states and communities who all wanted to develop a more responsive mechanism for dealing with juvenile offenders without jeopardizing their safety or that of the public. As such, the policies really are locally developed, and the federal role was to establish them as goals or benchmarks.

Question 4. Should the federal government remove earmarks to let states experiment with different programs, or fund only those programs that have shown . . . to be effective in curbing youth crime?

Answer 4. I believe that the lessons learned from the programs described in the question—boot camps, mentoring, and intensive supervision—have been an enormous help to states such as Colorado. Piloting programs such as these allows policy makers to determine not only what works, but what might be wrong with existing

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models. One of the primary reasons that research has shown recidivism (as an indicator of success) to be no different among these programs compared to traditional correctional programs is because of design problems. We now know, for example, because of the research that boot camps as originally conceptualized are not necessarily successful. But when wrap-around services, appropriate clients, aftercare, and other "non-residential" follow up programming is included, they can be more successful. Absent this aspect to JJDP funding, there would be no central depository for "what works" in the intervention and prevention arenas.

It is important to prioritize programs which have demonstrated success, but also to continue to experiment with promising strategies which may not yet be fully evaluated. When a strategy is deemed unsuccessful via a strong evaluation strategy, it should be redesigned before support is again offered.

Question 5. Is OJJDP helpful to SAGs in terms of policy?

Answer 5. Yes. Colorado's experience with OJJDP has been one of a successful partnership in moving our communities toward compliance with the JJDP Act. It is our observation that the Office plays the role of grant monitor first, but also technical assistance provider and trouble-shooter as well. When OJJDP and Colorado have disagreed over federal/state policy, the Office's response has always been one of clarification, problem solving, and reasonableness.

Question 6. Should more money be allocated to provide TA to SAGs?

Answer 6. If one of the objectives of the JJDP Act is for states to become more self sufficient around compliance with the requirements, as it should be, then more money and/or technical assistance should be provided to SAGs. Because of limited TA resources, the assistance to the State is often reactive (e.g., dealing with a separation issue after the crisis has evolved). The ability to access more assistance for needs assessments, policy development, program design, and other information will pay dividends in the long run by enhancing the competency development component of every state's juvenile justice vision.

Mandates/requirements

Question 1. Which mandate is most difficult to comply with?

Answer 1. In Colorado, the separation requirement of the JJDP Act, in which juvenile and adult residents of secure facilities be kept sight and sound separated is the most troublesome. While we have been very successful with this and all the mandates, minor processing changes in local police departments or other lockups can lead to instantaneous violations of this requirements. However, Colorado has also developed a monitoring, public education, and technical assistance system which has virtually eliminated separation violations. Staying ahead of potential problems, essentially by continuing to meet with local officials during onsite monitoring verification, has been very helpful.

Question 2. What is the costs involved in compliance?

Answer 2. The costs of compliance are continuing to decrease as our level of success increases in each jurisdiction. Currently, the state is in the final year of a grant program to develop alternative booking systems to eliminate jailing and separation violations at a cost of $80,000. Two compliance monitors travel the state to verify conformity to state code and Federal statute at an annual cost of about $100,000. Beginning next year, the state's community correctional program will absorb the cost of the jail grant program, freeing that final $80,000 for other juvenile justice and prevention programs. The fixed costs will remain attached to the monitoring, but because this program is also used to conduct technical assistance on local JJDP issues and solve problems around other law enforcement issues, the collateral benefits of compliance are diverse.

Question 3. Are there requirements within the Act that need to be removed or changed for the Act to accomplish its intended goal?

Answer 3. There are no substantial modifications to the JJDP Act necessary to attain its goals, at least within Colorado.

Question 4. Could the mandates be removed and replaced with juvenile justice system goals?

Answer 4. As mentioned during my personal testimony, there have been times in Colorado's recent past when the mandates stood alone as the sole rationale for pursuing sound juvenile justice policies. Justice system goals are absolutely essentially to any rational plan for reducing delinquency, but the oversight provided via the core requirements is essential if we are to retain any integrity in terms of what is funded in states and communities. A lack of oversight, and the careless spending that accompanied it, is a primary reason the Law Enforcement Assistance Administration and ancillary programs, were terminated by Congress nearly two decades ago.

Programs

Question 1. Have challenge activities impacted delinquency?

Answer 1. Colorado has just begun participating in the challenge arena, and outcome measures on delinquency are not yet available.

Question 2. What activities are being conducted?

Answer 2. Colorado has prioritized gender specific programming and chronic runaways as programs to be pursued under the challenge initiative.

Question 3. Are the requirements burdensome?

Answer 3. the challenge program requirements are not burdensome on Colorado. To the contrary, the flexibility afforded to the state to identify, prioritize, and pursue our own issues allows us to easily wrap it into the state's and SAGs vision for juvenile justice.

Question 4. Does the costs to the state outweigh the additional funding?

Answer 4. No. Colorado's assessment of the potential benefits of this program, in which State dollars are matched by the federal challenge program, made the decision to participate very easy for the legislature and the agency.

Question 5. Is access to counsel a worthwhile program?

Answer 5. Yes. Colorado's SAG has elected not to pursue this challenge activity for the present because of concerns over other priorities seen as more pressing or daunting. However, it is our experience, as in other states, that the legal representation of young offenders falls primarily to understaffed, over worked public defenders. As a result, adequate representation and access to appropriate programming is often jeopardized.

Question 6. What about other activities, such as increasing community-based alternatives to incarceration?

Answer 6. It is Colorado's belief that no single program or response can be a panacea for the range of emotional, social, educational, and other problems which juvenile offenders bring with them to the system. Any goal which seeks to expand on the availability of sanctions, provide a graduated response, and still retain appropriate attention to public safety and accountability should be pursued.

Question 7. Does the absence of evaluative studies of programs make it difficult when searching for innovative programs?

Answer 7. For Colorado, the absence of a plethora of evaluated proven studies has not been a substantial problem. Working closely with researchers in Colorado and at the national level, we have become cognizant of about four dozen programs which can address a wide range of youth, family, and system problems. Much of that knowledge has come from information supplied by the federal office.

Question 8. Is the OJJDP Promising Programs look helpful?

Answer 8. Because of Colorado's accessibility to information promising strategies, and those that work, from instate sources, we have not had to turn extensively to the Promising Programs. I can say, however, that many communities have been trained on those very programs and are now in a position to say to planners and policy leaders that there are strategies to deal with most crime problems. Our responsibility becomes one of turning these approaches into information which can become part of a community plan for violence intervention and delinquency prevention.

RESPONSES TO SENATOR SIMPSON'S QUESTIONS

Question 1. Would you support youth development community block grant legislation such as that proposed by Senator Kassebaum?

Answer 1. The idea of a community development block grant has merit because it rechannels funding streams in such a way to reduce the categorical nature of most federal dollars in this arena. Conversely, I would be very concerned if the legislation did not have a mechanism in which specific guidelines on expectations, strategies, and goals were attached. I do not see this level of oversight as being intrusive or violate a state's rights to develop its own youths policies. Instead, it provides a level of integrity which is missing from many straight block grant programs.

Further, the justice system has been a slow and reluctant partner in the youth development and primary prevention arena. As professionals who see themselves as very competent in dealing with juveniles who have already come to their attention (i.e., arrested and court referred youths), they do not see youth development and a vision of "putting themselves out of business" as a priority. By taking the limited prevention dollars which accompany the JJDP Act and moving into a block grant program, we could potentially lose the partnership with judges, probation, and others we have nurtured in recent years, and bypass the import role which our SAG plays in delinquency prevention.

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Question 2. Mr. Woodward, could the separation interest of the Act be maintained with a more general "separation" requirement without the requirements currently being enforced?

Answer 2. I believe that the standards established in the JJDP Act for separation of juvenile and adult offenders should already be viewed as a minimum standard for safe jail policy. The American Correctional Association, American Bar Association, and Bureau of Indian Affairs all promulgate standards requiring separation. When we turn to the reasons why Congress first developed the separation requirement of the Act in 1974, we recall abuses by adults on juveniles which are not reasonable to accept.

Question 3. Would you support a 24 hour exemption from sight and sound separation in an emergency situation, if physical separation were maintained?

Answer 3. Because I am not clear about what type of emergency situation would require a temporary exception to the separation requirement of the JJDP Act, I could not support relaxation of this statute or requirement. Our State, and most other jurisdictions, have been able to deal with emergency situations with the use of holdovers and other suitable supervision programs.

In Colorado, we do not view the JJDP Act as the primary reason to separate juveniles from adults. We separate because we want to respond immediately and appropriately to a youth and his/her family in crisis. Expedient access to appropriate programs cannot be accomplished if we are focused on the well-being of a juvenile in an adult facility. The Act's separation requirement is seen as a tool which was developed in response to concerns about local liability, victimization, detention of non-offenders, lack of crisis programming and more.

Educators remind us of the "teachable moment" when we can learn from a situation and use it to positively impact a juvenile. The first 24 hours of a crisis is certainly one of those teachable moments, when the youth is most vulnerable. We see separation as a mechanism not only to keep youths safe, but also to divert them in the direction of the most appropriate resources as quickly as possible.

RESPONSES TO SENATOR KOHL'S QUESTIONS

Question 1. Is it reasonable to blame the mandates for our juvenile crime problem?

Answer 1. As research has shown, juvenile crime is manifested in a plethora of causes. Because the mandates do not prevent us from holding juveniles accountable for their actions, or develop graduated sanctions, they have not been a cause of any increases in juvenile crime in Colorado.

Question 2. Have you seen overcrowding in your local juvenile justice systems, and what are the consequences of these problems?

Answer 2. Colorado's juvenile detention system has been seriously overcrowded in recent years. As a result, detained youth have been double bunked and sleep in the recreation areas of juvenile facilities; a youthful offender system has been developed to handle some of the more serious offenders; Colorado Office of Youth Services, which operates most of the detention facilities and treatment programs has been ordered to improve conditions in facility programs by the federal court; services to youth have not been fully provided; and other deleterious outcomes.

Question 3. Would you support more targeted efforts to fund juvenile detention facilities?

Answer 3. Colorado's general assembly looked to juvenile detention facilities as a primary mechanism for responding to overcrowding. As such, we would look to the federal government to assist us in rounding out our continuum—e.g., graduated sanctions (residential and nonresidential)—and development of prevention programs.

Question 4. Given your experience with the Act, do you think that separating juveniles from adult prisoners contributes to preventing crime?

Answer 4. I think that almost any policy or program which reduces juvenile exposure to anti-social or criminal behavior could be considered a worthy component of a serious crime prevention strategy. Separation of juvenile offenders from adults, especially in light of the dismal evaluation results of scared straight programs, should be considered a valid and important aspect of that program.

Question 5. Are there ways of working out solutions to particular difficulties with the mandates, yet maintain the basic principles of maintaining virtually complete separation from adults?

Answer 5. Yes. I agree that there is already sufficient flexibility in the Act to deal with most compliance issues in a thoughtful and proactive manner. In Colorado, for example, collocation became a policy to be pursued during the 1993 "Summer of Violence." We were able to respond to public and legislative concerns about safety via

development of a collocated facility by working directly with OJJDP. Similarly, OJJDP worked closely with Colorado to review a handful of separation violations in 1995 and rule that procedures and administrative rule, were sufficient to assure that no pattern or practice or violation would result. I feel that we can work with OJJDP on any issue in a reasonable and effective manner.

Question 6. Could you list what you are doing now—as required under the mandates—that you do not want to do?

Answer 6. Colorado is substantially able to comply with the core requirements and would not seek to repeal any statutory provisions.

Question 7. Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Answer 7. The requirements are not preventing Colorado from handling any class of offenders or type of juvenile in any manner we do not wish to.

Question 8. How do you read the requirements of the DMC requirement of the Act—does it require "sort of a prison quote?"

Answer 8. Our reading of the DMC mandate of the JJDP Act is that Colorado is only required to report on the level of disparity and address efforts to reduce it. There is no numerical mandate or base level which must be reached within a certain time frame. As such, this requirement is viewed by many as perhaps the easiest requirement to meet.

Question 9. Can you explain specifically why this section causes problems for you in implementing the Act?

Answer 9. DMC is often viewed by people as a requirement to release youths from detention based on their race or ethnicity. Our problem lies in addressing this fallacy and working with communities to understand that DMC is simply a means by which we endeavor to continue expanding services in every community.

There is also much controversy about the causes of DMC (e.g., the roles of poverty, discriminatory decision making, et cetera). We are consistently searching for more information on causes so we can get beyond this discussion and into solutions.

Question 10. Do you think we should delete this mandate?

Answer 10. Again, as with other requirements, the DMC provision of the Act provides the State and SAG with entree into an arena that needs attention, but might not be examined otherwise. Colorado sees DMC not as an obligation to release minority delinquents from facilities or detain more Anglo offenders, but as an opportunity to find a mechanism to make state and local programs to every at risk and system youth in the state, regardless of their minority status.

Question 11. What studies have been done in your state to indicate the effectiveness of programs in your state?

Answer 11. Many programs have been reviewed for their impact on violence reduction, prevention, and intervention in Colorado. One example is Project PAVE (Promoting Alternatives to Violence through Education), which is designed to break the cycle of emotional, physical, and sexual violence experienced by youth. Based on the presumption that children learn violent ways, it is believed that they can "unlearn" violence and replace it with appropriate relationship skills.

Relying on numerous strategies, including a 40 session curriculum for gang-related violent teens, 40 session curriculum for adolescents involved in domestic violence, and a 60 session curriculum for adolescents involved in domestic violence, and a 60 session curriculum for sex offenders, PAVE has demonstrated considerable success in violence intervention. Techniques include cognitive restructuring, being taught to recognize violence cycles, interpreting events negatively, negative anticipation, recognizing powerlessness, and helplessness by exerting power over children, relation skill building, and much more.

The combination of programs, highly trained staff and volunteers, intensive counseling for victims and perpetrators, and more have revealed great success. For example, of court ordered participants who completed 3/4 of the curriculum, 85 percent did not reoffend in any fashion and 92 percent did not commit a violent offense against another person.

That completes my responses to your questions. I hope they are helpful and will be useful to you and the other Subcommittee members as the debate on this important legislation continues. Please feel free to call me at (303)239–4442 if I can clarify any of these responses or expand on anything else.

Sincerely,

WILLIAM WOODWARD,
Director.

RESPONSES OF MS. ANTHONY TO SENATOR HATCH'S QUESTIONS

PHILOSOPHY

Question 1. Do you agree with the trend to change the juvenile delinquency declaration of purpose from rehabilitation to punishment and changes to lower the age at which juveniles could be tried and sentenced as an adult, and to open juvenile court proceeds to the public?

Answer 1. Almost every state in the nation has acted to increase the transfer of juveniles into the adult system. I am in favor of the transfer of a select number of youthful offenders who, due either to the severity or chronicity of their offending, require more severe sanctions and longer sanctions that can be received in the juvenile system. In Utah's 1995 Legislative Session, we passed the Serious Youth Offender Act which we feel incorporates the need for public safety without eliminating the discretion provided to the courts to consider individual cases. Utah's law provides that juvenile offenders, age 16 and older, who have either exhausted the resources in the juvenile system or committed one or more of a list of serious offenses, are eligible for serious youth offender status and subsequent transfer to the adult system. Our approach is far better, in my opinion, than the wholesale movement of youth to the adult system without the individual attention necessary in many of these cases.

The goal of the juvenile system should change to emphasize public safety, followed by treatment and rehabilitation of delinquent youth. In some respects, this philosophy is closer to the adult criminal system. In the past, the juvenile system has forgotten, or not recognized, the victims of crime, both individuals and communities, in its commitment to rehabilitate young offenders. That emphasis must change.

Much of the criticism of the juvenile court comes from a lack of understanding of its mission, operations and dispositions. The court is under attack, only partially in response to its failings, and partly due to public misperception. I am therefore in favor of opening juvenile court proceedings for felony cases. Indeed, Utah has opened felony cases on individuals age 16 and older to the public. Bringing the scrutiny of the public to these proceedings will educate the public to the mostly positive workings of the juvenile court. It will also bring a much needed pressure, and review of dispositions, for those youth committing felonies. These limited changes move the juvenile court in the direction of the adult court without losing focus on the needs of the majority of those served i.e., abused, neglected and abandoned children. Those cases should still be protected through confidentiality provisions.

Question 2. Should decisions and policies regarding the juvenile justice system be made at the state and local level instead of at the federal level?

Answer 2. Decisions and policy regarding the juvenile justice system should be made at the state and local level. The federal government's role is to provide research, program information and technical assistance.

Question 3. Should the federal government remove funding earmarks to allow states to experiment with various types of programs or at the very least, fund only those programs that have shown through research and evaluation to be effective in curbing youth crime?

Answer 3. When Congress chooses to allocate grant monies to states and local governments, the requirements to qualify for the funding should be as least restrictive as possible. Block grants, rather than earmarked money, tend to promote flexibility and encourage creativity and innovation in solving juvenile crime problems. I agree that a vital role of OJJDP should be evaluating programs and providing the information to state and local policy makers.

Question 4. Is OJJDP helpful to state advisory groups on policy? Should more money be allocated by OJJDP to provide technical assistance to the state advisory groups?

Answer 4. OJJDP has been responsive to the technical assistance needs of State Advisory Groups through its Training and Technical Assistance Division, workshops, conferences and on-site training. Additional technical assistance resources would be valuable to address the myriad of complex juvenile justice issues beyond those related to Act compliance.

MANDATES AND REQUIREMENTS

Question 1. Of the four mandates, which is the most difficult to stay in compliance with, and what are the costs involved?

Answer 1. Reduction of minority confinement is the most difficult mandate to comply with. After numerous studies, Utah is aware of minority overrepresentation and is focused on providing fair and equitable treatment to all individuals but reducing overrepresentation is nearly impossible to impose by the time individuals

enter the juvenile justice system and it is very difficult to modify even after substantial training of juvenile justice professionals. Frankly, this difficult societal issue cannot be solved in the juvenile justice system. It is incumbent upon families, churches, schools, communities and government to treat all individuals fairly. Costs are incurred mostly in training individuals throughout the system. Utah will continue to evaluate the issue and measure its progress.

Question 2. Are there requirements with the Act that need to be removed or changed in order for the Act to accomplish its intended goal?

Answer 2. It is time beyond the mandates. States need flexibility to move juvenile systems into areas of critical importance in the 90's i.e. violent crime, gangs, adult court, etc. It would also be appropriate to give states, rather than the federal government, the authority to create and determine the makeup of the state advisory group.

Question 3. Could the mandates be removed and replaced with juvenile justice system goals?

Answer 3. Most states have enacted state laws that echo the provisions of the JJDP Act, and punitive oversight is no longer in the best interest of system improvement. Changing the mandates to goals will produce a more desirable result.

Question 4. If the mandates are abandoned, is it likely juveniles will be subject to brutality in adult facilities?

Answer 4. I do not see the mandates disappearing in Utah. The original mandates are incorporated into state statutes and have really become an integral part of the criminal part of the criminal and juvenile justice system in Utah. Institutional assaults will always be a problem. Corrections officials are dedicated to maintaining a safe environment for all inmates.

PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. Have the Challenge activities had a significant impact on delinquency?

Answer 1. Utah has just recently begun participating in the Challenge activities and has selected gender specific programming and alternatives to suspension and expulsion from school as priorities. Requests for Proposals have been issued, but to date, programs have not been implemented.

Question 2. Are programs that provide access to counsel for all juveniles worthwhile?

Answer 2. This is a great example of the need to return decision-making to state and local government. Providing counsel is important but not necessary in every juvenile case. Most youth in our system have access to counsel but do not request it or require it. A well-trained intake staff attached to the juvenile court meets the legal needs of most youth. Counsel is reserved for those youth facing the most serious charges. Jurisdictions with a less sophisticated intake system may make this a priority. Utah has chosen to target other critical needs.

Question 3. Is the Promising Programs book helpful when looking for new programs?

Answer 3. I am not familiar with this publication.

DRUGS AND CRIME

Question. What needs to be done to prevent children from ever becoming involved with drugs?

Answer. An emphasis on prevention in elementary schools, churches, community programs and among parents is the most viable approach to the rising drug and alcohol problem. By the time youth reach the juvenile justice system it is often too late to address prevention. Drug and alcohol use and abuse is more fundamental than delinquency and must be traced to an earlier origin.

RESPONSES OF MS. ANTHONY TO SENATOR ALAN K. SIMPSON'S QUESTIONS

Question 1. Do you support consolidation of program funding into block grants to the states?

Answer 1. I believe block grants provide flexibility and promote creativity. I would support consolidation of program monies into juvenile justice block grants to states.

Question 2. What additions to the Act are needed to collect and disseminate information on successful programs and to provide technical assistance to the states?

Answer 2. I don't see a need for any additions. OJJDP does a good job of disseminating information and providing technical assistance.

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Question 3. Do you support a 24-hour exemption from sight and sound separation requirements in an emergency situation, if physical separation is maintained?

Answer 3. I believe states are in the best position to determine policies regarding separation of youths from adults. In the event Congress maintains the federal mandate, I would support exemptions from the mandate in order to maintain public safety but I would caution that the exemption should be the exception, not the rule.

RESPONSES OF MS. ANTHONY TO SENATOR KOHL'S QUESTIONS

Question 1. When contemplating reauthorization of the Act, is it a good idea to extend the period during which rural areas may keep juveniles in a separate portion of an adult facility from 24 to 72 hours, and permit shared staffing during that time?

Answer 1. I think it is a good idea to provide housing and staffing flexibility in emergency situations. As stated above, it should be the exception, not the rule. I would support amending the act accordingly prior to reauthorization. All staff should be adequately trained in juvenile supervision.

Question 2. Is it reasonable to blame the mandates for the juvenile crime problem?

Answer 2. I can find no rationale to suggest that the mandates contributed to the rising juvenile crime rates. They have led, in Utah, to many innovative and effective programs that keep essentially non-delinquent youth out of an already overcrowded juvenile justice system. It is more reasonable to look at guns and family issues as contributors to the heightened emphasis on juvenile crime.

Question. 3. Have you seen overcrowding problems? What are the consequences? Would you support more targeted efforts to fund juvenile detention centers?

Answer 3. We have seen overcrowding in Utah's detention centers. Overcrowding leads to staffing and resident safety issues and undermines the ability of the system to be effective. Decision on where and how to spend federal dollars should be left to the states. If a state's priority is detention, that state should have the flexibility to use federal dollars accordingly. Utah has never received enough federal funding to construct and operate a detention center so we have used the few federal dollars we do receive for less expensive alternatives to detention and prevention programs.

Question 4. Do you think that separating juvenile from adult prisoners contributes to preventing crime?

Answer 4. It is best to keep juvenile and adult offenders separated as a rule. Evidence shows that mixing the populations leads to abuse. There are times, in the interest of public safety, after careful review, that some juveniles should be treated as adults. In other words, they have not, and will not, avail themselves to the rehabilitative opportunities provided in the juvenile system. For the most part, young offenders are effectively dealt with in the juvenile system. I consider rehabilitation of young offenders in the juvenile system to be crime prevention.

Question 5. Is there a way to work out an exemption to the prohibition on shared staff that could deal with your particular difficulties with the mandates, yet keep the basic principles of maintaining virtually complete separation of juveniles from adults?

Answer 5. I am sure a system similar to Wisconsin's could be worked out in Utah. Currently, we have no co-located facilities so it is not an issue. If we had the option in the future, it may create some construction and staff savings.

Question 6. List what you are doing now, as required by the mandates, that you do not want to do and list what you are not doing, that you would like to do.

Answer 6. In general, the mandates don't require us to do things we don't want to do and have not, to date, prevented us from doing things we want to do. My argument with the mandates is philosophical. States, not the federal government, are in the best position to determine juvenile justice policy and procedure.

Question 7. Do you interpret the DMC mandate to require states to achieve equal representation? Why do the DMC mandate cause problems? Should we delete the mandate?

Answer 7. I interpret the DMC mandate to require states to reduce minority over representation. I believe that is unrealistic by the time a juvenile is arrested for a delinquent or criminal act. The system must respond fairly and equally to all individuals who enter the juvenile justice system Part of that response is to maintain the safety of the public, that means locking up perpetrators. Utah is aware of minority representation and will continue to address the problem. This is such a complex problem that will not go away because of a federal mandate.

RESPONSES OF MR. REGIER TO QUESTIONS OF SENATOR KOHL

Question 1. I have introduced legislation that would extend the period during which rural areas may keep juveniles in a separate portion of an adult facility from 24 to 72 hours, and permit shared staffing during these short periods.

Answer. Yes, I believe it is a good idea. The State of Oklahoma is primarily a rural state with long distances between cities and towns. The lengthening of the time from 24 hours to 72 hours would provide greater opportunity to determine placement for the juvenile while still allowing the immediate consequence of detention for the offense.

Without the additional caveat of shared staffing the change in length of time would be relatively meaningless. Therefore, this would also be a critical change. Shared staffing is only a good idea if jail trustees are not used and the staff hired are required to receive training in handling and supervising juvenile offenders.

Question 2. Is this a good idea? Do you think it moves in the right direction in terms of the re-authorization?

Answer. Yes. As I stated in my written testimony, I believe that the mandates have served their purpose and the right direction to move in terms of re-authorization is towards more flexibility, less restriction, and increased emphasis on consequences and accountability for the youth.

Question 3. Some critics have argued that the juvenile justice mandates—particularly the Deinstitutionalization of status offenders and the jail removal requirements—have contributed to rising juvenile crime rates.

Answer. At the last hearing, however, experts testified that significant increases in juvenile crime rates began around 1985—when crack cocaine entered our cities, and access to guns dramatically spread throughout our inner cities. The mandates began in 1974.

Question 4. Now, given the fact that this increase started over a decade after the mandates went into effect, do you think it's reasonable to blame the mandates for our juvenile crime problem?

Answer. I don't think the mandates can or should be "blamed" for our juvenile crime problem. I believe the mandates have served their purpose; however, they also are rigid and have been a factor in retarding innovation and progress, and as such have contributed to a crisis situation.

States across the nation have developed appropriate alternatives to adult jails to address the needs of both offenders diverted to other services and juveniles coming out of adult jails. Programs such as emergency youth shelters, secure juvenile detention centers, intake service centers, attendant care, emergency foster care, truancy reporting centers, home-based supervision or confinement, peer court, etc., have been in response of states to the mandates. Some of these programs provided the necessary sanctions and accountability that juveniles required, and some did not. I just clearly state that an adult jail is not the only setting that holds youth accountable for their actions and turns them around.

Most juvenile justice systems either chose to focus on or had their hands full with serious and chronic offenders, and allowed non-serious offenders to re-offend and eventually become serious offenders. A lack of prevention and diversion services aimed at instilling accountability, responsibility and civic duty for troubled youth and families also allowed minor and first time offenders to go untouched.

Question 5. Many juvenile facilities suffer from significant overcrowding, which in turn leads to greater violence between juveniles, more attacks on staff, and less rehabilitation.

(a) In your experience with your local juvenile justice systems, have you seen overcrowding problems, and what are the consequences of these problems?

Answer. Over crowding in Oklahoma has occurred in several of our metropolitan centers at one time or another. Such conditions usually lead to increased stress on both juveniles and staff. At times juveniles become violent with one another or with staff, but this is the exception rather than the rule.

The State of Oklahoma has seen overcrowding largely due to lack of secure institutional beds and lack of detention beds. The consequences are that less rehabilitation takes place while in detention, and more dangerous juveniles are in the community on probation. We refer juveniles to non-secure services, back to their home with services, or put them on probation in order to keep our facilities from being overcrowded.

(b) Would you support more targeted efforts to fund juvenile detention facilities?

Answer. Yes. The Oklahoma legislature acted to increase detention facilities in the State last year, and these new constructed facilities are coming on line this summer.

We would support more targeted efforts that allowed the flexibility to fund secure and non-secure programs, or a combination thereof, as well as targeted efforts requiring more collaboration between municipal and juvenile courts in handling juvenile offenders.

Question 6. Some critics of the mandates argue that they have nothing to do with prevention of crime, and are therefore not a good investment. Yet studies have confirmed the common-sense proposition that once a juvenile is thrown in with adults, he hardens, making rehabilitation much harder.

Given your experience with the Act, do you think that separating juvenile from adult prisoners contributes to preventing crime?

Answer. Juveniles need to be separated from adults, unless certified and convicted as adult offenders. Not separating juveniles from adults does result in making some juveniles hardened criminals because of what they learn from adults, both in criminal techniques and positive attitude toward the benefits of crime (versus what a law abiding lifestyle produces). For other juveniles it means physical and mental abuse. Few juveniles have a deterrence benefit from being incarcerated with adults. Instead, it is the harsh reality of being confined or having their freedom restricted coupled with a serious and swift response by the justice system, from the police officer, the social worker or youth worker, to the probation officer and the judge, that makes the real impact.

Question 7. In my own State of Wisconsin, we have been able to work out an exemption to the prohibition on shared staff, so long as staff does not work with both juveniles and adults during the same shift, and all staff are properly trained and certified. This exemption was worked out with, and ultimately approved by, the Office of Juvenile Justice and Delinquency Prevention.

Do you think that there is a way to work out something similar in your state that could deal with your particular difficulties with the mandates, yet maintain the basic principles of maintaining virtually complete separation of juveniles from adults?

Answer. Yes, I do. As I have stated, we are committed to maintaining the basic principle of separation from adults with the context of solving the juvenile crime problem. But, it is more important to solve the problem. The key is for staff to receive proper training and always keep in mind and in their actions that there are essential differences between how juvenile versus adult offenders must be handled and treated.

Question 8. During these hearings, I have heard many complaints about the mandates, but in order to try to deal with these matters legislatively, it is critical that we have specific information and specific solutions. We need to know what flexibility you need, and what limits there should be on that flexibility to ensure that we guarantee the protection of young people without hampering law enforcement.

(a) Could you list what you are doing now—as required under the mandates—that you do not want to do?

Answer. We are building small, expensive detention Centers. We are putting dangerous kids back in their homes and back on the streets because Communities cannot hold them.

(b) Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Answer. In rural areas, to be allowed to hold those delinquent offenders eligible for secure detention, as prescribed by our state law, in adult jails for longer than 24 hours, if necessary, but for no more than 72 hours, when a secure juvenile detention center does not have a bed available for the offender.

To be able to share trained and certified staff to care for juvenile as well as adult offenders, as long as they are not serving both populations simultaneously on the same shift.

Question 9. Several complaints regarding the disproportionate representation of minorities mandate suggested that this mandate is onerous because it requires that the percentage of incarcerated juveniles must equal the number of juveniles in the general state population—sort of a prison quota. Specifically, some of the witnesses went so far as to suggest that they are "in violation" of the act if there is an imbalance.

In fact, the mandate (42 U.S.C. 5633(a)(23)) only requires that states submit plans for implementing the Act that "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

From my reading of this, States are only required to include provisions in their state plans that "address efforts" to fight over representation—there is no requirement that they actually achieve equal representation, or anything close to it.

(a) Do you read this differently?

Answer. I do not read this differently; however, I do believe the Mandate has been interpreted in the manner you suggest in the past.

(b) Can you explain specifically why this section causes problems for you in implementing the Act?

Answer. A major concern with this mandate is how "address efforts to reduce . . ." will be defined and measured. Since the inception of this mandate States have been asking for clarification and have received very little direction which is fine with us at this point because it allows flexibility in interpretation. However, since one-quarter of the funding we receive is tied to compliance with this mandate we are concerned when or if the next shoe will drop, and it would be beneficial to States to participate in developing a measure, or to be advised that each state can define the measure on its own with final approval by OJJDP.

(c) Do you think we should delete this mandate, and not require any efforts towards rectifying over representation?

Answer. I believe this mandate should be deleted and it be made a part of the overall OJJDP prevention efforts. The mandate leads to a tendency to focus on blame or research to support blame rather than on solutions. The primary way to reduce or rectify over-representation is to ensure prevention monies get to the youth and parents involved with neighborhood grass roots efforts in the actual communities where over-representation occurs.

Question 10. We are always trying to learn more about what is effective at each level of the juvenile justice process.

What studies have been done in your state that indicate the effectiveness of any prevention, intervention, or incarceration programs in your state at either the state or local level? (It would be very helpful if you would supply a copy of each report and summarize the results.)

Answer. Since Fiscal Year 1993 the Office of Juvenile Affairs (OJA) in conjunction with the Department of Human Services' Division of Children, Youth and Family Services (Child Welfare Services) has conducted annual outcomes evaluations on thirteen of its programs (ranging from home-based care to institutional services) for children/juveniles in state custody. The evaluations are simple and measure whether children/juveniles entering each program completed the program and subsequently follows their status of employment, education, living arrangement and involvement with the juvenile justice system for a full year after discharge from the program. As a separate agency, OJA is currently developing the FY 1995 report and it will only include juveniles in OJA' custody.

The FY 1994 revealed that two-thirds of the children/juveniles completed their program. The highest completion rate was experienced in Family Focus and Institutional Services (65.7%) and the lowest in Therapeutic Foster Care (20.9%). A copy of the FY 1994 executive summary is enclosed, along with a special summary analysis of juveniles in OJA' custody. These data reveal that Institutional Services was completed by 71.9% of all juveniles admitted, and that Community Residential Centers had the lowest completion rate at 19.0%.

A second effort that is currently being conducted and scheduled for completion by June 1996 is an evaluation of the First Offender Program, a statewide program serving youth beginning to get into trouble and first time misdemeanor offenders. We will pass the results along when the evaluation is completed.

We also have the on-going capability to identify annual (since 1987) and composite (1987 through 1995) recommitment rates for a host of 20 programs. The composite indicates a recommitment rate of 23.0% with 3,007 juveniles having no recommitment.

RESPONSES OF MR. REGIER TO SENATOR ALAN K. SIMPSON'S QUESTIONS

Question 1. Mr. Regier: What additions to the JJDPA would you recommend to address the need for a greater federal role in collecting and disseminating information on successful programs and providing technical assistance to states?

Answer. Successful programs must first and foremost be measured by whether they reduce delinquency and whether they rehabilitate delinquents. With this as a hard date guide the federal government should actively search for these promising solutions throughout the states and then promote the dissemination of these ideas and programs through specific conferences/forums/trips which will either fund the successful state to go tell others, or fund needy states to go see programs. In addition OJJDP should provide on-going technical assistance where experts stay with the project while it develops instead of just a one-time involvement.

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An important point—This process should take place beyond only federally funded projects. A true information & TA role would encompass programs and ideas unrelated to OJJDP, but OJJDP can and should play a role in spreading the news and providing consultation.

Question 2. What suggestions would you make for modifying the JJDPA to make the four primary mandates more general and goal-oriented (as opposed to requiring specific actions regardless of local circumstances)?

Answer. I would suggest that the four primary mandates could be modified by thinking in terms of principles that are goal-oriented rather than specific actions regardless of local circumstances.

Some suggestions:

(1) Build a Wall of Prevention in the most-at-risk communities. This is a more positive way of allowing communities to address over-representation issues.

Goals: Delinquency intakes must be reduced by X% for each $100,000 of funding employed. If this cannot be shown then either the funding goes away or technical assistance is provided to restructure the program to produce results.

(2) Ensure juveniles are held accountable for their actions through immediate consequences.

Guidelines could be the 24–72 hour holding rule with emphasis on shared facilities, community service, and other alternative sanction programs or facilities.

Goals: To reduce delinquency intakes in the community through a shared goal of immediate and certain consequences where the Community and the State send a strong and consistent message of not tolerating juvenile crime and misbehavior.

Question 3. What specific changes would you recommend to allow states and localities greater flexibility in addressing their juvenile crime problems?

Answer. (1) Shared facilities in all areas for up to 72 hours.

(2) Address over-representation through targeted prevention efforts tied to a reduction in delinquency incidents and rates in the identified minority neighborhood.

(3) Emphasis on judicial alternatives for misdemeanor offenses/status offenses in order to ensure certain consequences on the front end of the system.

Question 4. What changes, if any, to the minority representation requirement would you support?

Answer. As I stated in my written testimony, Quota's are not the answer. Youth are arrested and adjudicated based on their acts, not their race.Violent acts especially require the protection of the public. But, the answer to this is to ensure prevention monies get to the right neighborhoods and families so we can actually reduce the percentage of minorities coming into the System.

I would support a change that recognizes that the answer to this problem is earlier intervention and prevention services. The families must be identified and provided relationships, guidance and services so that the younger youth in these homes do not continue to follow the same path that the older individuals within the family have chosen. The cycle must be broken by working with families one on one in targeted areas in order to reduce the minority youth in the juvenile justice system. This can only be done through communities and agencies closely related to these families.

In Oklahoma we have begun a parent support network made up of parents whose children are in the juvenile justice system. It is our plan to work with these parents and the younger siblings with the help of delinquency prevention & gang intervention monies as well as with an army of church volunteer youth to prevent further minority youth from penetrating the system. This is our plan to reduce minority over-representation and I believe we will succeed.

This is part of a Wall of Prevention that we are building. Mandates won't build this Wall. Mandates only tell us we should build the Wall and after administrative task upon administrative task, the over-representation will still remain. We plan to build this Wall with the help of all the Community including churches and volunteers, and the families themselves.

Question 5. All Witnesses: It is evident from the testimony we have heard that "one size fits all" solutions won't solve the juvenile crime problem in every part of the country. Would you support legislation like Senator Kassebaum's youth development community block grant act? Her bill would consolidate 19 federal youth development and prevention programs into a block grant to the states. This would allow state and local governments the flexibility to adapt to a changing juvenile population, and to design programs that fit their own particular circumstances.

Answer. Yes, I would strongly support this approach. This would allow the State to truly develop a statewide plan and also have the ability to fill in gaps and needs. As I stated in my testimony, this would allow the creativity of States and Communities to be unleashed.

RESPONSES OF MR. REGIER TO SENATOR HATCH'S QUESTIONS FOR PANEL III

Question 1. Recently the trend in state legislatures has been to change the juvenile delinquency declaration of purpose from rehabilitation to retribution and punishment. Indeed in today's Washington Post, there is an article about the Virginia Assembly's legislation that would require teenagers as young as 14 to be tried and sentenced as adults for murder and other violent crimes. It would also open to the public, juvenile court proceedings and records for felony cases.

(a) Do you agree with these changes?

Answer. I agree with a balanced approach with strong emphasis on accountability and consequences but still keeping it in the context of rehabilitation. We can turn many of these kids around if we are willing to really spend time with them early. However, I also agree that 14 & 15 year olds who commit murder and other violent crimes against persons should be certified and tried as adults.

(b) Should the goal of the juvenile court system be closer to that of the adult criminal system?

Answer. The goal of the juvenile court system should be to punish the violent juvenile criminal, to rehabilitate the delinquent juvenile, and to protect the public while doing both.

Question 2. It seems like each of your respective states have implemented slightly modified versions of the Juvenile Justice Act; each state has tailored the programs to its individual, local needs. I am generally skeptical about Washington imposing programs on the states. For example, while I believe that a balance between prevention and incarceration of juveniles should exist, isn't this a decision that should be made at a local level, instead of the federal level?

Answer. I agree wholeheartedly. Policy and Mandates in and of themselves do not solve problems. The OJJDP Mandates have served a very useful purpose in providing the framework and rails to run on. But we've now reached the end of that railroad line. Juvenile crime is overwhelming the Country. We must have the ability to shift to airline travel and design a system with more general guidelines that will allow decisions to be made at the State and local level in order to turn the tide. With the upcoming increase in juvenile population it is critical that we design a new framework now.

Question 3. What is your opinion of earmarks such as Boot camps, Mentoring, Intensive Supervision of others? Research—at least up to this point—has not been kind to any of these earmarked programs. It seems that recidivism rates are static if not higher after attendance in a boot camp. These programs do not seem to be curbing the delinquency rate. Should we, the federal government, remove the earmarks to let states experiment with various types of programs or, at the very least, fund only these programs that have shown through research and evaluation to be effective in curbing youth crime?

Answer. All of these programs work when a long term relationship is developed and followed through. All of these programs do not work when we punch the clock into the program and then punch out at the end.

Earmarks are usually established as a means to force funding, many times because someone who has such a program thinks it works and wants continued funding. I agree that earmarks should be removed and let states experiment with programs that are shown through research and evaluation to be effective. The caution is to ensure that research and evaluation measure the right thing. The goal of all our efforts should be to change behavior and create new positive socially acceptable behavior, thus reducing delinquency rates and incidents. If we are not accomplishing this, then we are wasting time and money. We have been guilty of both in the past.

Question 4. (a) Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) a helpful institution to state advisory groups in terms of policy?

Answer. As a general rule, I would say yes. The SAG's have actually been an important link to regular citizens in the States that OJJDP has utilized. On the other hand, the OJJDP policy and process is very complicated and confusing to the average SAG member.

(b) Should more money be allocated by OJJDP to provide technical assistance to the state advisory groups?

Answer. Yes, this would be helpful if it were done in a partnership manner looking for what fits that particular State. The SAG should set forth its goals and plans and then TA comes in to help accomplish and implement their plans.

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QUESTIONS ON MANDATES/REQUIREMENTS

Question 1. (a) Of the four major mandates, (de-institutionalizing status offenders; sight and sound separation; removing juveniles from adult jails; and reduction of minority confinement), which is the most difficult to stay in compliance with?

Answer. For the State of Oklahoma it is removing juveniles from adult jails and sight and sound separation. The reason is that communities want to provide immediate consequences for offenses, and the only method many have available is a night in jail. Coupled with the rural nature of States like ours and distance, this is the most difficult.

(b) What are the costs involved with staying in compliance?

Answer. As I stated in my verbal testimony, the State has spent millions of dollars on separate 6–10 bed detention centers as a direct result of inability to co-locate in existing facilities while still maintaining separation.

Question 2. Are there requirements within the Act—either the mandates themselves or regulations implementing the mandates—that need to be removed or changed in order for the Act to accomplish its intended goal?

Answer. Please refer to pages 5–11 of my written testimony.

Question 3. Many states have incorporated the goals of the Juvenile Justice Act into their state codes. Currently, most states are in compliance with the mandates. It seems that the Juvenile Justice Act has served it's intended purpose, which was to ensure that juveniles were treated fair in the criminal justice system. In your opinion, could the mandates be removed and replaced with juvenile justice system goals? That preserves the national directive that States can follow, but if the states can't comply, they still have the opportunity for receiving funding.

Answer. Yes. I agree that the mandates have served their purpose and that they are basically imbedded in State law and State direction. We don't need mandates to do the right thing. We know what is the right thing to do in keeping with attacking the problem of juvenile crime and finding solutions unique to our State.

Question 4. Many critics of revising the mandates claim that if we abandon the mandates, states will be inclined to house juveniles and adults together and will basically abandon the supposed advances we have made in incarcerating juveniles in safe spaces, Is it likely that juveniles will be subject to brutality and the like if we abandon the mandates—is that a realistic probability?

Answer. No. I know of no State that would allow this to happen, and Oklahoma certainly would not.

QUESTIONS ON PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. (a) Have the so-called challenge activities had a significant impact on delinquency in your state?

Answer. It is too early to tell.

(b) Which activities are being conducted?

Answer. The first projects are just being completed.

(c) Are the requirements to participate in the challenge activities burdensome?

Answer. No. The RFP format was simple and straight forward. Competitive bids were not required.

(d) Does the cost to the state outweigh the additional 10% funding that is offered?

Answer. No.

Question 2. I understand that one of these activities is to develop programs to provide access to counsel for all juveniles in the justice system and to ensure that juveniles consult with counsel before waiving their rights.

(a) Do you think that is a worthwhile program?

Answer. The State of Oklahoma already provides access to Counsel and it is working well.

(b) What about the other activities such as increasing community-based alternatives to incarceration, or closing traditional training schools and replacing them with secure settings for no more than 50 violent juvenile offenders. Are these worthwhile and realistic goals?

Answer. The State of Oklahoma was forced to go this direction years ago due to a federal lawsuit. (See page 6–7 of my written testimony, attached) We reached compliance and the lawsuit was dismissed in April, 1996. Our system is strongly community-based, but we still struggle with minimal secure settings. Our experience, however, shows it can be done.

Question 3. The Promising Programs book that the Office of Juvenile Justice and Delinquency Prevention provides lists a number of community programs that have been tried in other districts. However, very few of the programs have evaluation components attached to them.

(a) Does the absence of evaluative studies of these programs make it difficult when searching for innovative programs?

Answer. Yes. Evaluations that are solid and clearly measure behavioral change and lasting results are invaluable in saving time and money when searching for innovative programs that work.

(b) Is the book helpful when looking for new programs?

Answer. Yes, somewhat, and I believe this is an arena that OJJDP should expand.

DRUGS AND CRIME

Question. I am deeply disturbed by the recent indications that drugs are once again on the rise with our nation's youth. I think we all recognize that drugs fuel much of the violent crime problem in America, particularly in our urban centers. In your opinion what needs to be done to prevent children from becoming involved with drugs in the first place?

Answer. Please refer to my "Wall of Prevention" on page 12a and 12b of my written testimony. Children can be prevented from using drugs by building strong moral character into their lives, by requiring them to be accountable for their actions, and by ensuring strong relationship and guidance from an adult who is crazy about them (usually their parents). Add to that a strong spiritual component and children can be an absolute joy.

BIOGRAPHY OF JERRY PAUL REGIER

Mr. Jerry Regier grew up in Clinton, Oklahoma. He graduated from Michigan State University where he received his B.A. degree in history and psychology. In 1989, he completed a year of academic study at Harvard University, John F. Kennedy School of Government, where he received his Master's Degree, the Master of Public Administration degree.

Mr. Regier is presently the Director of the Department of Juvenile Justice and the Deputy Director of the Office of Juvenile Affairs for the State of Oklahoma. He was appointed by Governor Frank Keating as part of the team to head the new Agency which was broken out of the Department of Human Services on July 1, 1995. He directs the Department of Juvenile Justice which has over 1000 employees statewide. The mission of the Agency is to provide protection of the public while reducing juvenile delinquency in the State of Oklahoma.

Mr. Regier has previously served in a variety of positions at the Federal Government level. His most recent position in the Federal Government was as Administrator of the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice. He provided leadership for the direction and implementation of all Federal policy and programs related to juvenile justice and the prevention of delinquency among the youth of America.

Prior to that position, he served for three years as the Acting Director of the Bureau of Justice Assistance (BJA) in the Department of Justice. BJA provides funds to state and local governments to enforce drug laws, reduce violent crime and improve the criminal justice system in the fight against illegal drugs. This included crime prevention programs and some ground breaking work in the area of community oriented policing. The Bureau has a budget in excess of 500 million dollars. He also served at the Department of Health and Human Services as Associate Commissioner for the Administration of Children, Youth and Families where he provided oversight to family and youth programs including the Runaway and Homeless Youth Program.

He left the Federal Government in January, 1993 to work as a management and public policy consultant for Soza and Company in Falls Church, Virginia and spent a year assisting cities in setting up and refining substance abuse prevention programs. He left that position to become President of AgoraSpace USA, Inc., a social sports development company involved in bringing an outdoor multi-sports facility, the Agoraspace, to communities around America and particularly the inner city. The Agoraspace concept includes the youth building the facility, youth training in job skills and entrepreneurial opportunities, and ongoing involvement with local youth serving organizations and community residents.

In 1984, Mr. Regier established the Family Research Council in Washington D.C., a private nonpartisan public policy research and educational organization over which he presided as President and CEO for 4 years.

In 1988, Mr. Regier was appointed by the President of the United States to the National Commission on Children. The Commission was chaired by Senator Jay Rockefeller and presented its Report, "Beyond Rhetoric: An Agenda for Children," four years later to the President.

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Mr. Regier is a nationally recognized speaker on youth and family issues, and is also a frequent speaker on issues related to the criminal justice system and the juvenile justice system. Topics range from prevention of crime and delinquency, and the strengthening of the family, to community policing and intermediate sanctions. He has been contributing author and editor of a number of books including "Values and Public Policy" (1988), "Parents and Children" (1987), "The Changing Family" (1984), and "Building Family Strengths" (1983).

Jerry and his wife, Sharyn, have four children and lived in McLean, Virginia for over 20 years before moving to Oklahoma City, Oklahoma in July. They have been active in community and church activities including serving as the PTA President of McLean High School.

RESPONSES OF PATRICIA WEST TO SENATOR HATCH'S QUESTIONS

PHILOSOPHY

Question 1. Recently the trend in state legislatures has been to change the Juvenile delinquency declaration of purpose from rehabilitation to retribution and punishment. Indeed in today's Washington Post, there is an article about the Virginia Assembly's legislation that would require teenagers as young as 14 to be tried and sentenced as adults for murder and other violent crimes. It would also open to the public, juvenile court proceedings and records for felony cases. Do you agree with these changes? Should the goal of the juvenile court system be closer to that of the adult criminal system?

Answer 1. I wholeheartedly agree with the changes that are taking place nationwide with regard to juvenile justice reform. As the Director of Virginia's Department of Youth and Family Services, I was very involved in developing Virginia's sweeping reform effort. With overwhelming bipartisan support, Virginia made a commitment to hold juveniles accountable and responsible for the crimes they commit.

Now in Virginia, juveniles 14 years old and older who commit capital, first and second degree murder or aggravated malicious wounding are automatically transferred to circuit court. Prosecutors are now empowered to transfer juveniles to circuit court to be tried as an adult for felony homicide, mob felonies, carjacking, poisoning, malicious wounding, robbery, rape, forcible sodomy and sexual object penetration. Furthermore, police are now mandated to take fingerprints and photographs of juveniles charged with certain crimes. DNA samples can be taken for juveniles 14 years old or older charged with felonies.

In an effort to make the courts more accountable to the public and victims, juvenile court proceedings and records, with the exception of social histories and psychological reports, are open for juveniles 14 years of age or older charged with felonies. Virginia took steps to recognize that the victims of juvenile crime have rights as well. For every juvenile that commits a crime, there is a family or an individual that has been violated and these victims deserve closure to their ordeal. Now in Virginia, victims can attend all phases of the proceedings including appeals, and victims are notified of annual review hearings of determinately sentenced juveniles.

I would like to highlight one other point that is very important to Virginia's juvenile justice reform. While it is true that we have gotten tough on violent juvenile crime, we also recognize that there are many juveniles who can benefit from the traditional treatment and services that the juvenile system has to offer. We feel that removing the violent juvenile offender from the juvenile system benefits the remaining youth. These violent offenders, who are the least likely to be successfully rehabilitated, demand a disproportionate amount of the available resources to the detriment of other youth. Virginia has provided for the removal of violent offenders from our juvenile system and coupled that with significant increases in funding for a continuum of sanctions and services that range from those that are community based to secure confinement in state institutions. We believe that punishment with accountability, and rehabilitation are not mutually exclusive, and a proper balance between them is the most effective way to reach our ultimate goal of public safety.

I have enclosed a summary of Virginia's juvenile justice legislation for your review.

Question 2. It seems like each of your respective states have implemented slightly modified versions of the Juvenile Justice Act; each state has tailored the programs to its individual, local needs. I am generally skeptical about Washington imposing programs on the states. For example, while I believe that a balance between prevention and incarceration of juveniles should exist, isn't this a decision that should be made at a local level, instead of the federal level?

Answer 2. Yes. States and localities should be given greater flexibility to determine the proper balance between prevention and incarceration for their juveniles. What works in one state may not work in another. Even within states, localities are unique. Virginia is a prime example of this intra-state diversity. Virginia has a wide disparity in resources and types of offenders between urban, suburban and rural localities. Localities in Northern Virginia have more resources to deal with problems than localities in rural Southwest Virginia. Also, the types of offenders in Richmond are much different than offenders in Roanoke.

Allowing localities to determine the best approach to the growing problem of juvenile crime will benefit both the community and the juvenile.

Question 3. What is your opinion of earmarks such as boot camps, Mentoring, Intensive Supervision or others? Research—at least up to this point—has not been kind to any of these earmarked programs. It seems that recidivism rates are static if not higher after attendance in a boot camp. These programs do not seem to be curbing the delinquency rate. Should we, the federal government, remove the earmarks to let states experiment with various types of programs or, at the very least, fund only those programs that have shown through research and evaluation to be effective in curbing youth crime?

Answer 3. Earmarks should be removed. States should be allowed to experiment with alternative programs for prevention and incarceration. Funding should be directly related to performance, however, I would caution against discontinuing funding because one pilot program failed. Often a program will undergo many revisions before the "kinks" are worked out. Time should be allowed for improvement, and then if the desired results are not met, funding should be discontinued.

An example used in your question demonstrates this point. It is mentioned that juvenile boot camps do not reduce recidivism rates. I believe it is too early to know that for sure. In January of this year, Virginia implemented its first juvenile boot camp. Experience and studies from other juvenile boot camps, which we researched thoroughly prior to crafting our program, prove that intensive aftercare is essential to the success of the program. One of the keys to our program is an aftercare component with intense supervision lasting for six months after release from the boot camp. This is critical for the successful transition of the juvenile back into his community. While it is still too early to tell, I am optimistic that the specific programming we have chosen for the boot camp, coupled with the intensive aftercare, will produce the desired results. If, after a reasonable amount of time it does not give us those results, then it should be discontinued. I have enclosed several news articles describing certain aspects of our juvenile boot camp. As a side note, Virginia already operates an adult boot camp that has been very successful with relatively low recidivism rates.

Question 4. Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) a helpful institution to state advisory groups in terms of policy? Should more money be allocated by OJJDP to provide technical assistance to the state advisory groups?

Answer 4. States should determine their own policy with OJJDP providing technical support to implement policy directives.

Money provided by OJJDP for technical assistance should not have specific earmarks related to the state advisory groups. In general, technical assistance is provided to a state for critical needs. In approaching these needs, the state advisory group is one of my potential targets for technical assistance.

QUESTIONS ON MANDATES/REQUIREMENTS

Question 1. Of the four major mandates, (deinstitutionalizing status offenders; sight and sound separation; removing juveniles from adult jails; and reduction of minority confinement). Which is the most difficult to stay in compliance with? What are the costs involved with staying in compliance?

Answer 1. While we dislike all the mandates, two are of particular concern: jail removal and sight and sound separation. Sight and sound separation and its counter part, removing juveniles from adult jails cost the Commonwealth the most money, both for compliance and compliance monitoring. While we have been fairly successful in complying with the mandates, it has not been without great costs, both monetary and non-monetary in the form of threat to public safety.

Localities may have preferred to build separate space in their jails for juveniles, but have had to build separate juvenile detention facilities or have been forced to buy juvenile bed space outside their jurisdiction which is time consuming and costly for local sheriffs' who must transport juveniles long distances. In the worst case scenario, there are times when judges are forced to release potentially dangerous juveniles back into the community for lack of a juvenile bed.

It is difficult to measure the exact cost of things that would have been done differently is not for the mandates, but I can say construction for an average juvenile detention home is $100,000 per bed while a jail bed runs about $60,000.

Question 2. Are there requirements within the Act—either the mandates themselves, or regulations implementing the mandates—that need to be removed or changed in order for the Act to accomplish its intended goal?

Answer 2. The goal of the Act should be the reduction of juvenile delinquency, and I do not believe the mandates have a direct bearing on this goal. The mandates relate to the treatment of juveniles who are in the system, not to keeping them out of the system in the first place. Because mandates restrict options, I believe they are detrimental to efforts to reduce delinquency.

Furthermore, the administrative costs of compliance monitoring represents money that could be better spent on law enforcement or community programs. Virginia dedicates three and three quarters (3.75) full time equivalent positions to JJDP compliance monitoring and implementation functions. States, such as Virginia, which have met these requirements should not have to continuously document compliance through a comprehensive monitoring system.

More specifically, the current strategy of reducing funding by 25% for each area of non-compliance and requiring that all remaining funds be dedicated to compliance improvement is unnecessarily punitive. States, such as Virginia, which provide the opportunity of multi-year funding for local pilot projects must withdraw these commitments because of this compliance requirement. This action has the potential to destroy local programs and erode confidence of the localities in the state planning agency. Virginia is currently faced with this potential because of violations in one locality which will be remedied in the very near future by the opening of a new juvenile facility. The state has responded to address the problem and would have done so regardless of pressure from OJJDP. To threaten the existence of a local program in order to fix a problem we were already prepared to fix is an unneeded strong-arm tactic and detrimental to the provision of services to juveniles. We are hopeful funds will not be lost, but the uncertainty causes anxiety in planning for the future.

Another example of over-regulation can be seen by reviewing Virginia's recent application for funding under Title II of the Juvenile Justice and Delinquency Prevention Act. This application requires Virginia to agree to 32 assurances concerning the program. Some of these assurances are legitimate concerns, but others only serve to add to the constant stream of paper work to comply with yet more federal regulations.

In summary, the narrowly defined compliance regulations focus state resources and efforts in a manner which does not improve juvenile justice. The focus of compliance monitoring should be on assuring that juveniles are held in accordance with constitutional requirements. Like you, we remain concerned with issues regarding: classification and separation, health and mental health care, programming, education, training and supervision of institutional staff, overcrowding, punishment and due process, and safety for staff and confined youth. This would be no less true in the absence of mandates or compliance regulations.

Question 3. Many states have incorporated the goals of the Juvenile Justice Act into their state codes. Currently, most states are in compliance with the mandates. It seems that the Juvenile Justice Act has served its intended purpose, which was to ensure that juveniles were treated fairly in the criminal justice system. In your opinion, could the mandates be removed and replaced with juvenile justice system goals? That preserves the national directive that States can follow, but if the states can't comply, they still have the opportunity for receiving funding.

Answer 3. Yes. The mandates not only could, but should be replaced with juvenile justice system goals. The states, as you pointed out, are mostly in compliance with the mandates. They should not be allowed to pursue the course of action they believe will best curb juvenile crime in their state and be allowed to compete on equal footing with other states for the federal money available for this purpose.

Question 4. Many critics of revising the mandates claim that if we abandon the mandates, states will be included to house juveniles and adults together and will basically abandon the supposed advances we have made in incarcerating juveniles in safe spaces. Is it likely that juveniles will be subject to brutality and the like if we abandon the mandates—is that a realistic probability?

Answer 4. Removal of the mandates will not result in juveniles being subjected to brutality by adult inmates. No one is suggesting that juveniles should be placed in the same cell or participate in the same activities at the same time with adults. In fact, Virginia's recent juvenile justice reform keeps juveniles who have been convicted as adults from being housed with adults. Thus going beyond any of the JJDP Act mandates on separation.

States simply want more flexibility in detaining juveniles without the worry of violating the sight and sound separation mandate. It is generally agreed that juvenile populations should be kept separate from adult populations, but the requirement of absolute sight and sound separation places an unwieldy burden on many localities. Occasional violations, particularly those involving incidental contact with adult prisoners in booking areas, hallways, etc. are difficult to prevent altogether and are not harmful to youth.

States should be trusted to act responsibly in this area, and for those who are afraid that removal of the mandates will result in the wholesale placement of juveniles in dangerous situations, I would point out that constitutional constraints still exist and would prevent such violations. Even if states and localities were inclined to act irresponsibly, which I do not believe, there is still the ever present threat of litigation for improper behavior which will control much of what they do.

QUESTIONS ON PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. Have the so-called challenge activities had a significant impact on delinquency in your state? Which activities are being conducted? Are the requirements to participate in the challenge activities burdensome? Does the cost to the state outweigh the additional 10% funding that is offered?

Answer 1. Challenge grants are the least burdensome of the grants we apply for from OJJDP. The funds can be used for a variety of purposes and offer a high degree of flexibility. Challenge grants in Virginia have been used for technical assistance to localities. For instance, we are currently using these funds to work with the localities to implement the new juvenile justice reform package passed earlier this year.

Question 2. I understand that one of these activities is to develop programs to provide access to counsel for all juveniles in the justice system and to ensure that juveniles consult with counsel before waiving their rights. Do you think that is a worthwhile program? What about the other activities such as increasing community-based alternatives to incarceration, or closing traditional training schools and replacing them with secure setting for no more than 50 violent juvenile offenders. Are these worthwhile and realistic goals?

Answer 2. Virginia does not participate in this particular aspect of the program, but I will comment on some of the specific activities you mention. I do not believe the majority of the activities you mention are worthwhile or realistic goals. As a former prosecutor, I certainly believe in and respect a defendant's right to counsel, but to spend taxpayers' money to ensure a juvenile always consults with a lawyer before waiving his rights is absurd. In Virginia, extra precautions are taken to ensure a juvenile makes an informed and knowing waiver of his rights, and that is a frequent issue in suppression hearings. The current safeguards are sufficient, and it would be a travesty to go so far as to make sure no juvenile ever accepted responsibility and admitted involvement in any crime, which is the obvious result if juveniles cannot waive their rights until they consult counsel. We do not want to impede law enforcement in investigative matters by providing more rights than adults now have.

The concept of 50-bed facilities is not realistic. With the number of incarcerated juveniles increasing, it is not feasible for states to build 50-bed institutions. It is cost prohibitive and having to locate acceptable sites for multiple facilities is difficult. Furthermore, larger, more cost efficient facilities, can be designed in smaller segments which addresses the concerns of the critics.

Question 3. The Promising Programs book that the Officer of Juvenile Justice and Delinquency Prevention provides lists a number of community programs that have been tried in other districts. However, very few of the programs have evaluation components attached to them. Does the absence of evaluative studies of these programs make it difficult when searching for innovative programs? Is the book helpful when looking for new programs?

Answer 3. This book has some use, primarily at a local level. Localities would be better served if the programs had support documentation demonstrating the success rates of the programs.

DRUGS AND CRIME

Question. I am deeply disturbed by the recent indications that drug use is once again on the rise with our nation's youth. I think we all recognize that drugs fuel much of the violent crime problem in America, particularly in our urban centers. In your opinion what needs to be done to prevent children from becoming involved with drugs in the first place?

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Answer. I firmly believe that the root of most of our delinquency problems, including drug use, is the breakdown of the family structure and the diminishing influence of moral absolutes in our society. Having said that, it is difficult to know where to begin to address those concerns, but I am confident the answers lie within our communities and not with the federal government. I believe that active, concerned communities, with churches and other private organizations that reach out to children and families in need, and schools that promote moral certainty and character building would be a great start.

RESPONSES OF PATRICIA WEST TO SENATOR SIMPSON'S QUESTIONS

ALL WITNESSES

Question 1. It is evident from the testimony we have heard that "one size fits all" solutions won't solve the juvenile crime problem in every part of the county. Would you support legislation like Senator Kassebaum's Youth Development Community Block Grant Act? Her bill would consolidate 19 federal youth development and prevention programs into a block grand to the states. This would allow state and local governments the flexibility to adapt to a changing juvenile population, and to design programs that fit their own particular circumstances.

Answer 1. Although I have not had the opportunity to review Senator Kassebaum's Youth Development Community Block Grant Act, I do support the concept of dispensing federal funds in the form of block grants. Each state is unique with its own particular issues and problems. The federal government should give the states the flexibility to determine how best to use the funds to address their individual needs.

QUESTIONS DIRECTED TO DIRECTOR WEST

Question 2. What specific suggestions would you make for modifying the JJDPA to make it more flexible for the differing needs of various states?

Answer 2. The JJDP Act should request that states submit a single application for funding. Presently three separate applications are required. The state should define its objectives within the goals of the Act. The plan should fit the state's needs rather than be driven by detailed federal requirements. If the state has an existing plan, such as a state criminal justice plan, these documents should suffice as the basis for funding requests. The Administrator of OJJDP should be authorized to provide funding to support state plans; not to approve state juvenile justice plans. The "advanced techniques" of the Act should be removed. These are burdensome to administer in the grant award and reporting process.

Question 3. What specific actions would be taken to address the increase in juvenile crime?

Answer 3. Virginia has taken dramatic steps to address juvenile crime. These are included in the summary of legislation which is attached. In addition, Virginia has provided $123 million in new funding to support this reform. The reforms begin with a philosophy that each encounter with the juvenile justice system is a serious matter. Every contact with the court will result in a written plan that includes community service and restitution for the victim, when appropriate. Funding for a continuum of graduated sanctions which increase in restrictiveness and severity is the cornerstone of the policy reform which Virginia is implementing.

Question 4. You mentioned the need to have jail as an option for chronic juvenile offenders. How would you modify the deinstitutionalization requirements of the JJDPA to provide local flexibility in responding to particular needs and situations?

Answer 4. If the mandates remain, states should be given the option of submitting a plan which includes local exemptions to the deinstitutionalization and sight and sound requirements of the JJDP Act. As long as the plan is reasonable, the request for an exemption should be granted and not left to the discretion of the Administrator.

Question 5. How would you modify the JJDPA's sight and sound separation requirements to take into account the fiscal and physical realities of some locations?

Answer 5. Please see previous answer.

Question 6. What recommendations would you have for addressing the needs of status and "beginning" offenders?

Answer 6. I believe the most important thing we can do for status and "beginning offenders" is to make every contact meaningful. Currently, a juvenile will often commit numerous offenses before any tangible consequences result. In effect, by letting them get by with little or no intervention and punishment, we reinforce their negative behavior. As a prosecutor, I had a defense attorney say to me, as I was insisting

on a certain disposition for a juvenile, that we all know "the first felony is free" in juvenile court. With that attitude prevalent today, it is no wonder juveniles do not have any respect for the current system and consider it a joke.

In addition to meaningful contact with the court, localities need the ability to detain some status offenders in a secure environment. Status offenders likely come from unstable home settings and often pose a risk to themselves. Their availability for court hearings is jeopardized due to runaway behavior, and detainment of runaways is desirable to facilitate assessment of and treatment for underlying problems causing the runaway behavior.

Detainment of status offenders may also be desirable because rural jurisdictions often lack alternative placements appropriate for status offenders, and most jurisdictions lack suitable alternatives for inebriated juveniles. Truancy enforcement efforts are also hampered by the mandate on deinstitutionalization of status offenders.

RESPONSES OF PATRICIA WEST TO SENATOR KOHL'S QUESTIONS

TO ALL WITNESSES ON PANEL III

Question. I have introduced legislation that would extend the period during which rural areas may keep juveniles in a separate portion of an adult facility from 24 to 72 hours, and permit shared staffing during these short periods.

Is this a good idea? Do you think it moves in the right direction in terms of the reauthorization?

Answer. I believe your legislation is a step in the right direction in that it would give the locality more time to find a placement for the juvenile, but it does not go far enough in allowing states to make basic decisions about the confinement of their juveniles.

TO ALL WITNESSES ON PANELS II AND III

Question 1. Some critics have argued that the juvenile mandates—particularly the deinstitutionalization of status offenders and the jail removal requirements—have contributed to rising juvenile crime rates.

At the last hearing, however, experts testified that significant increase in juvenile crime rates began around 1985—when crack cocaine entered our cities, and access to guns dramatically spread throughout our inner cities. The mandates began in 1974.

Now, given the fact that this increase started over a decade after the mandates went into effect, do you think it's reasonable to blame the mandates for our juvenile crime problem?

Answer 1. Obviously the mandates are not to blame for the juvenile crime problem. These mandates are to blame for hampering the states' efforts to deal with the juvenile crime problem for the reasons I have stated throughout my testimony and in response to these questions.

Question 2. Many juvenile facilities suffer from significant overcrowding, which in turn leads to greater violence between juveniles, more attacks on staff, and less rehabilitation.

In your experience with your local juvenile justice systems, have you seen overcrowding problems, and what are the consequences of these problems?

Answer 2. Overcrowding in Virginia's juvenile correctional centers and detention homes is at an all time high. In fiscal year 1995 our correctional centers operated at 111% of their rated capacities. Detention homes operated at 136% of their rated capacities. This has resulted in more staff assaults and greater violence between juveniles. Meaningful rehabilitation efforts are hindered by this overcrowding. Virginia is addressing the overcrowding situation with a combination of an aggressive construction plan and use of private sector beds.

Question 2a. Would you support more targeted efforts to fund juvenile detention facilities?

Answer 2a. Targeted funds to assist in dealing with this problem would be welcomed, as long as the federal government does not attach burdensome mandates to the funds.

Question 3. Some critics of the mandates argue that they have nothing to do with prevention of crime, and are therefore not a good investment. Yet studies have confirmed the common-sense proposition that once a juvenile is thrown in with adults, he hardens, making rehabilitation much harder. Given your experience with the Act, do you think that separating juveniles from adult prisoners contributes to preventing crime?

Answer 3. As I stated in an earlier question, no one is suggesting that juveniles should be placed in the same cell or participate in the same activities at the same time with adults. In Virginia, juveniles sentenced as adults under Virginia's Youthful Offender Act are incarcerated in a separate facility, and in the new legislation, any juvenile tried and convicted as an adult will be placed in a facility housing only other juveniles with adult convictions. The decision by the state to provide this type placement goes well beyond any JJDP Act mandates and shows Virginia's good faith in complying with the goal of separation.

States simply want more flexibility in holding juveniles in jail without the worry of violating sight and sound separation. Virginia has demonstrated that we agree that juvenile populations should be kept separate from adult populations, however, the requirement of absolute sight and sound separation places an unwieldy burden on many localities.

Question 4. In my own State of Wisconsin, we have been able to work out an exemption to the prohibition on shared staff, so long as staff does not work with both juveniles and adults during the same shift, and all staff are properly trained and certified. This exemption was worked out with, and ultimately approved by, the Office of Juvenile Justice and Delinquency Prevention. Do you think that there is a way to work out something similar in your state that could deal with your particular difficulties with the mandates, yet maintain the basic principles of maintaining virtually complete separation of juveniles from adults?

Answer 4. I believe that any Act that would necessitate the majority of states coming in to ask for special dispensation must be faulty in concept. The idea of special conditions for each state, which of course would be monitored by OJJDP, sounds like a bureaucratic nightmare.

Question 5. During these hearings, I have heard many complaints about the mandates, but in order to try to deal with these matters legislatively, it is critical that we have specific information and specific solutions. We need to know what flexibility you need, and what limits there should be on that flexibility to ensure that we guarantee the protection of young people without hampering law enforcement.

Could you list what you are doing now—as required under the mandates—that you do not want to do?

Answer 5. As I stated before, our preference would be to have the mandates removed and replaced with juvenile justice system goals. As pointed out earlier, Virginia devotes 3.75 full time positions at the state level for compliance monitoring and implementation of the Act. This time and money that could be better used for law enforcement or direct services to juveniles.

Virginia believes JJDP monies should be administered in block grant form to be used in advancing state and local juvenile justice priorities.

Question 5a. Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Answer 5a. States want more flexibility in detaining juveniles without the worry of violating the sight and sound separation mandate. The requirement of absolute sight and sound separation places an unwieldy and costly burden on many localities. We would like the flexibility to co-locate juvenile facilities with adult facilities in order to share the costs of land purchases, utilities, and potentially share services like laundry and maintenance. Virginia is currently planning a state juvenile facility on a site with an adult facility and is realizing savings of approximately $3 million.

States also need the option of detaining status offenders in a secure facility. Status offenders likely come from unstable home settings and often pose a risk to themselves. Many times detainment in a secure facility is necessary in order to ensure their availability for court hearings and to facilitate assessment of and treatment for underlying problems causing runaway behavior.

Detainment of status offenders may also be desirable because rural jurisdictions often lack alternative placements appropriate for status offenders, and most jurisdictions lack suitable alternatives for inebriated juveniles. Truancy enforcement efforts are also hampered by the deinstitutionalization of status offenders.

Question 6. Several complaints regarding the disproportionate representation of minorities mandate suggested that this mandate is onerous because it requires that the percentage of incarcerated juveniles must equal the number of juveniles in the general state population—sort of a prison quota. Specifically, some of the witnesses went so far as to suggest that they are "in violation" of the act if there is an imbalance.

In fact, the mandate (42 U.S.C. 5633(a)(23)) only requires that states submit plans for implementing the Act that "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facili-

ties, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

From my reading of this, States are only required to include provisions in their safe plans that "address efforts" to fight over representation—there is no requirement that they actually achieve equal representation, or anything close to it.

Do you read this differently? Can you explain specifically why this section causes problems for you in implementing the Act? Do you think we should delete this mandate, and not require any efforts towards rectifying over representation?

Answer 6. First and foremost, all people, regardless of race, should be held accountable for their criminal behavior and we should always be working toward reducing the number of people, of any race, who must be incarcerated because of their anti-social behavior.

The JJDP Act was amended in 1988 to require states to address the over representation of minority youth in secure facilities. The most recent federal regulations suggest that this mandate has two provisions: the disproportionate confinement of minorities in secure facilities and the over representation of minority youth in the juvenile justice system. The federal requirement (May 31, 1995) refers to this is as "statutory mandate." The regulation is specific in setting forth requirements for compliance.

Virginia completed identification through the Phase I matrix in 1990 and has updated this matrix annually thereafter. The assessment phase for Virginia has involved a series of research projects between 1990 and 1995 at a cost of $880,000. In all the research in Virginia, race and race bias were not direct effects. Race differences for incarcerated juveniles tended to be associated with other factors over which the Court has little control, such as seriousness of offense, prior offense history, socio-economic status, family structure, access to parents at intake, and out of jurisdiction residence. The research failed to pinpoint a critical area in which Virginia could establish policy objectives.

The withholding of Title II grant funds for non-compliance with regulations based on a set of unsubstantiated assumptions about the association of disparity in secure confinement and discrimination or race bias is not appropriate. In the five pilot states which received special funding for this purpose, reductions in disparity cannot be documented.

Question 7. We are always trying to learn more about what is effective at each level of the juvenile justice process. What studies have been done in your state that indicate the effectiveness of any prevention, intervention, or incarceration programs in your state at either the state or local level? It would be very helpful if you would supply a copy of each report and summarize the results.

Answer 7. Please find enclosed summaries of several studies conducted by the Virginia Department of Youth and Family Services. If you would like a complete copy of a particular study please feel free to contact our office.

List of enclosed summaries:

Privatization of Juvenile Halfway Houses, 10/95

Reviewing Juvenile Probation Toward Developing a Balanced Approach to its use in the Juvenile Justice System, 1995

Barrett Substance Abuse Treatment Center for Delinquent Males, 06/93

Expansion of Drug Use Identification and Intervention Services into Rural Areas, 01/93

Barrett Juvenile Corr. Center Substance Abuse Program, 07/94

Barrett Juvenile Corr. Center Substance Abuse Program Interim Report, 07/94

Substance Abuse Programs Annual Report FY95, 11/95

1996 DEPARTMENT OF YOUTH AND FAMILY SERVICES LEGISLATION

HOUSE BILL 251 AND SENATE BILL 44

Amends the purpose and intent of the juvenile code to include the safety of the community and the protection of victims rights.

Limits the jurisdiction of juvenile court in cases of capital, first and second degree murder, mob lynching and aggravated malicious wounding to preliminary hearings.

Specifies the criteria for detention or shelter care to include the seriousness of the current offense, prior adjudicated offenses, the legal status of the juvenile and any aggravating and mitigating circumstances.

Requires a mental health screening for juveniles placed in secure detention.

Limits diversion at intake to first offense. Subsequent complaints must go to court.

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Allows pre-trial detention/shelter care in a separate juvenile facility on site of adult regional jail approved by the DYFS and certified by DOC.

Allows confinement of juvenile in adult jail if judicial transfer accepted by circuit court or when automatic or prosecutor's felony is certified to grand jury.

Requires DYFS to assist localities in establishing temporary lock-ups or wards.

Allows magistrates to issue detention orders.

Allows two-way audio-visual appearance at intake.

Allows diversion on CHINS, CHINSUP or delinquent complaint only if a violent juvenile felony is not alleged and if the child has not been previously diverted on CHINSUP or delinquency charge.

Prohibits use of statements by juvenile made in conjunction with mental health screening.

Requires summons to include notice of financial responsibility of parents for maintenance and treatment.

Transfers capital, first and second degree murder; mob lynching and aggravated malicious wounding automatically to circuit court.

Allows the prosecutor's discretion to transfer felony murder; felonious mob injury; abduction; malicious wounding; felony poisoning; adulteration of products; robbery; carjacking; forcible sodomy; forcible and statutory rape; and object penetration. If probable cause is not found or if charge is dismissed, Commonwealth's Attorney may seek direct indictment.

Clarifies process for retention of case by juvenile court and appeal by Commonwealth of failure to make judicial transfer.

Clarifies process of juvenile to appeal judicial transfer.

Eliminates necessity for circuit court to renew the case file upon receipt of a judicial transfer, unless the case is up on appeal.

Clarifies that in automatic and prosecutors transfers, the Commonwealth's attorney may seek indictment without court order.

Allows for more flexibility in circuit court. If convicted of violent juvenile felony, adult sentence for all crimes, but suspension may be ordered, conditioned upon completion of terms and conditions that are authorized for delinquency adjudication. If convicted only of misdemeanors, only delinquency disposition may be ordered. If convicted of nonviolent felonies, court may sentence as adult or juvenile including disposition as a serious offender.

Makes evidence of age admissible in circuit or district court prior to adjudication.

Allows temporary commitment of delinquent juveniles to a juvenile boot camp.

Specifies that the terms and conditions of juvenile probation, which may be imposed upon a delinquent, may include compliance with an alternative education plan.

Clarifies that juvenile court may impose a Class 1 misdemeanor penalty on a adult who, before becoming 18, committed a crime.

Allows short-term post-dispositional secure detention without the need for prior review of a social history.

Limits indeterminate commitment to 36 continuous months or age 21, except in cases of murder or manslaughter.

Allows for determinate commitment of juvenile for any felony if he had previously been found to have committed a Class 1 or 2 felony.

Requires attorney for the Commonwealth upon request to give notice of release/review hearing for serious offender by first class mail, to victim's last known address. Allows review hearing to be held by means of two-way video and audio communication.

Expands current law requiring parents to pay when custody is transferred to cover juveniles in boot camp or secure detention.

Grants police same authority to take fingerprints/photographs of juveniles as is allowed for adults. Prints are to be maintained locally, separate from adults and filed with CCRE.

Requires juveniles 14 years or older, convicted of a felony to submit to DNA analysis.

Allows for free and complete exchange of current juvenile arrest information among law-enforcement agencies.

Opens juvenile court proceeding involving allegations that a juvenile 14 or older committed a felony, unless the court, for good cause, orders the proceedings closed.

Gives victim or certain family members and persons chosen by minor victims right to be present in delinquency proceeding involving felony, assault and battery, stalking, sexual battery or DUI.

Allows Commonwealth's attorneys access to otherwise confidential juvenile court records.

Opens juvenile court records in cases of juveniles 14 or older for juveniles released pending that on probation with conditions or on supervised parole.

Deletes restriction on disclosure of disposition information receipt by the school division superintendent.

Clarifies that only a conviction of felony in circuit court for which an adult disposition is ordered results in imposition of civil disabilities.

Eliminates juveniles tried as adults from the Youthful Offender Program.

Eliminates mandatory expungement of juvenile CCRE records when juvenile turns 29.

Specifies clerk's responsibility to make report to CCRE of adjudication of delinquency or juvenile conviction in adult reportable cases.

REPORT OF THE VIRGINIA DEPARTMENT OF YOUTH & FAMILY SERVICES ON

Privatization of Juvenile Halfway Houses

PURPOSE

During the summer of 1995, the Research and Planning Unit of the Department of Youth and Family Services examined the feasibility of privatizing the three state operated halfway houses and assessed the privatization of the Harriet Tubman House. The results of this study follow.

The 1995 General Assembly included Item 576-D in the Appropriations Act stating that:

> *The Department of Youth and Family Services shall provide a report on the feasibility of entering into one or more private contracts for the operation of the remaining three state operated halfway houses, effective July 1, 1996. The report shall include an assessment of the privatization of the Harriet Tubman House. Copies of the report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 1995.*

A previous report prepared in the summer of 1993 by the Department responded to a directive from the 1992 General Assembly in the 1992-94 Appropriations Act, Item 540 C. Besides providing a general description of the four halfway houses, it explored the privatization of them. The first ***Halfway House Study*** stated that definitive conclusions concerning the effectiveness of the Tubman House program, and privatization overall, were premature due to the short operation period by the private contractor.

This study compared the operations of the state operated halfway houses with the privately contracted facility to help determine the feasibility and desirability of privatizing halfway house functions. The Department believes that halfway house privatization is feasible; Tubman House is now in its fourth year, its per diem is at the low end of all the halfway house costs, and design improvements (16 beds versus 10 or 12 beds) may yield additional savings. However, this study also indicates there are positive programmatic aspects of the state operated facilities that do not exist in the private program. The Department has projected significant increases in the committed juvenile population and, with it, a growing need for post release programs such as halfway houses. The Department plans to maintain its existing operations and expand capacity through private facilities.

OVERVIEW

For more than twenty years, halfway houses have provided post incarceration community residential care in a structured setting for juvenile offenders. These halfway houses were previously operated by the Department of Corrections, Division of Youth Services and now are operated by the Department of Youth and Family Services. Halfway house placement may occur after release from a juvenile correctional center or during parole supervision. These facilities

The Juvenile Probation Study
Executive Summary

House Joint Resolution 197 of the 1994 Virginia General Assembly requested that the Department of Youth and Family Services "review juvenile probation toward developing a balanced approach to its use in the juvenile justice system." In order to complete this task a survey related to the probation process was distributed to the state's 35 court service unit (CSU) directors. Information collected in the survey included their objectives for probation, how these objectives are addressed, level of achievement in attaining these objectives and what factors affect the success or failure of the objectives. The CSU directors were also asked to indicate their level of knowledge concerning the *'Balanced Approach'*, their opinion of the *'Balanced Approach'* and whether or not it was being utilized at their CSU.

The following conclusions may be drawn from this analysis of juvenile probation in Virginia:

- The CSU directors reported a wide variety of individual objectives for probation. At the same time, however, community protection, accountability, and competency development were the most reported objectives;
- Nearly all CSUs measured success in achieving the stated objectives. The study also found, however, that most assessments of these objectives were not conducted in a systematic fashion with little measurable evidence of achievement;
- Overall the CSU directors felt that they were successfully achieving the stated objectives;
- The methods for addressing the most reported objectives of community protection, accountability, and competency development varied depending on CSU and community resources;
- In 89% of the CSUs, judges ordered other services in addition to supervision. Services ordered were reported to be specific to the youth and to the resources of the CSU and community. According to the directors, CSU staff frequently influence the disposition of a court-ordered probation case;
- The development and contents of service plans were consistent among the 35 CSUs, and;
- Most of the CSU directors expressed familiarity, and a favorable opinion of the *'Balanced Approach'*. Based on the responses from the directors, it appears that most CSUs are taking a *'Balanced Approach'* to probation, though they may not call it by that name.

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Recommendations

The following recommendations can be made with respect to the findings of HJR 197:

- The Department should develop statewide guidelines for probation regardless of the *'Balanced Approach'* and direct the CSUs to implement objectives for probation according to these statewide guidelines. The Department will need to assess what resources are available and needed in the court, CSU and community in order to implement these probation objectives;

- The Department should implement a statewide data system in the court service units to collect, organize and store data concerning CSU programs, services and characteristics of juveniles in the system;

- Once implementation of a statewide data system is complete, under the direction of the Department, each CSU should evaluate CSU programs and services to determine their effectiveness;

- If the Department determines that the *'Balanced Approach'* is the endorsed method for delivering probation services, there are several implementation options:

  - Statewide funding for full implementation of the *'Balanced Approach'* which includes development of a mission statement for probation services, legislation and policy revisions, program development in the CSU and community, realignment and redesign of existing programs, personnel changes (retraining or hiring of new probation officers), and increasing established links between CSU and the community;

  - Unfunded statewide mandate that all courts and CSUs fully implement the *'Balanced Approach'*, or;

  - Establish pilot test sites which could seek training and technical assistance from the Balanced and Restorative Justice Project sponsored by OJJDP, in order to fully implement the *'Balanced Approach'*.

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U.S. Department of Health and Human Services
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Treatment

Model Comprehensive
Substance Abuse Treatment Programs
for Correctional Populations
State Juvenile Justice AS-93-04-J

Barrett Substance Abuse Treatment Center for Delinquent Males
A National Model for Comprehensive Substance Abuse Treatment of Incarcerated Juveniles

VIRGINIA DEPARTMENT OF
YOUTH &
FAMILY SERVICES
Youth Begins With You.

Application for Federal Assistance submitted by the
Commonwealth of Virginia
Department of Youth and Family Services
June 1993

Abstract

The Virginia Department of Youth and Family Services (DYFS) will convert Barrett Learning Center, a secure juvenile facility for adjudicated delinquent males, into a dedicated institution for substance abuse treatment. The Department has received a $1.8 million federal grant for this project. The project represents a significant addition to current DYFS substance abuse treatment efforts. The facility will provide an intensive, long-term treatment environment for male youth with extensive delinquent histories coupled with severe alcohol and other drug abuse. The facility milieu will reflect a modified therapeutic community approach blended with a clearly defined behavior management system. A continuous case management process will integrate services from the time of intake through the youths's continuing care in community settings following completion of the institutional component. The program will include a comprehensive array of services beginning with a thorough screening and assessment which will result in the development of individualized treatment plans for each client. Strong emphasis will be placed on providing educational and counseling services to family members of the youth. In addition to core substance abuse treatment services, a variety of specialized services will be available to meet the particular needs of individual clients. All services will be delivered with attention to the cultural and other differences among the target population. Pre-release planning will focus on the development of specific plans for ongoing involvement in treatment and related services. The linages include established community residential programs, intensive aftercare programs under contract with DYFS, and a variety of services provided by community-based agencies.

The target population (180 youth per year) are all adjudicated and committed males with substance abuse problems. African-American youth will comprise 55 percent of this population, Caucasian youth 43 percent, and the remaining 2 percent Hispanic. These youth will be from all geographic areas in the Commonwealth, with the majority (66%) from urban areas. The age range for the target populations is 12-18 years. The drugs of preference are alcohol, marijuana, cocaine/crack, and hallucinogens. Poly-substance abuse is common. These youth are also at high-risk for a variety of communicable diseases, particularly HIV/AIDS, sexually transmitted diseases, and tuberculosis.

An extensive program evaluation model will be an integral component of the project. A full-time position will be dedicated to performing process evaluation and quality assurance activities. DYFS will contract with an independent provider to design and carry out comprehensive evaluations of project outcomes, including both client outcomes and impacts on the larger service delivery system.

The goals of the program are to reduce recidivism and improve long-term treatment outcomes by providing comprehensive rehabilitation services in an integrated and coordinated continuum of care that includes both the secure institutional setting and the community.

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PROPOSAL AND IMPLEMENTATION PLAN

EXPANSION OF DRUG USE IDENTIFICATION AND INTERVENTION SERVICES INTO RURAL AREAS

IDENTIFYING AND INTERVENING WITH DRUG-INVOLVED YOUTH

AMERICAN PROBATION AND PAROLE ASSOCIATION
NATIONAL DEMONSTRATION PROJECT

SPONSORED BY
THE U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
in cooperation with
THE COUNCIL OF STATE GOVERNMENTS

VIRGINIA DEPARTMENT OF
YOUTH &
FAMILY SERVICES
Youth Begins With You.

Commonwealth of Virginia
Department of Youth and Family Services
Substance Abuse Programs

JANUARY 1993

Goal: Expand existing substance abuse identification and intervention services to the remaining 16 DYFS Court Service Units.

Objectives: Provide designated staff with training in drug use recognition techniques.

Provide designated staff with a standardized assessment instrument in the Substance Abuse Subtle Screening Inventory (SASSI) and appropriate training to administer the assessment instrument.

Provide designated staff with the training and instrumentation necessary to conduct drug screening urinalysis using the latex agglutination immunoassay testing technology as found in the ONTRAK testing system of Roche Laboratories.

Provide designated staff with the training necessary to: deliver substance abuse education/prevention curriculum to youth and families, make appropriate referrals, and provide substance abuse case management .

Target Population

The target population for this program are youth under the supervision of the Department of Youth and Family Services in the 16 court service unit judicial districts that are not currently participating in the DYFS Substance Abuse Program. During FY 91-92, participating Court Service Units provided substance abuse services to 679 youth and provided 440 hours of services to family members of these clients. The demographics of the target population will differ slightly from the population currently being served in that most will be in rural areas. Figure 2 summarizes demographic information for clients currently receiving services through the DYFS Substance Abuse Program. Figure 3 illustrates race and gender distribution for the clients served. The population receiving services is divided as follows: 78.7% male and 21.3% female. There is almost an even distribution between African-American youth and white youth receiving services. It is anticipated that the 16 court service units added under this grant will yield 700 youth in need of substance abuse services.

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Figure 2: Client Profile

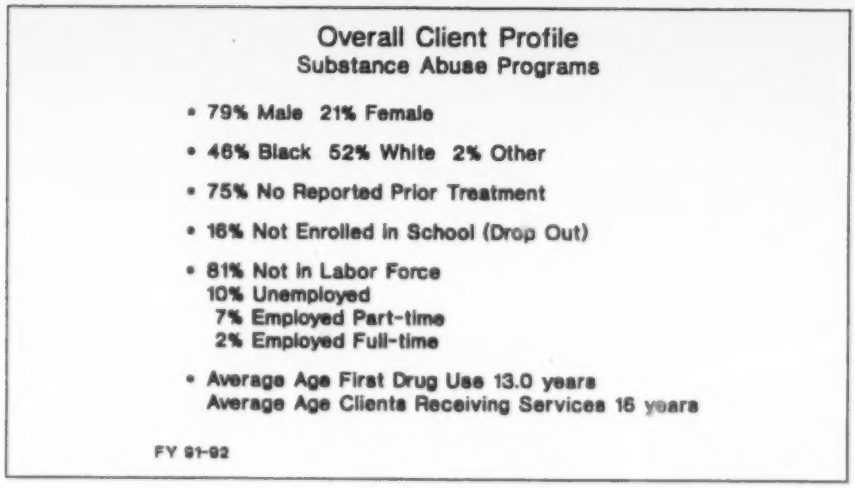
Overall Client Profile
Substance Abuse Programs
• 79% Male 21% Female
• 46% Black 52% White 2% Other
• 75% No Reported Prior Treatment
• 16% Not Enrolled in School (Drop Out)
• 81% Not in Labor Force
10% Unemployed
7% Employed Part-time
2% Employed Full-time
• Average Age First Drug Use 13.0 years
Average Age Clients Receiving Services 16 years
FY 91-92

Figure 3: Race and Gender Distribution

	African - American	White	All Other	Total
Female	7.2%	13.4%	.7%	21.3%
Male	39.3%	38.4%	1.0%	78.7%
Total	46.5%	51.8%	1.8%	100%

Interventions

The types of substance abuse programs offered in the various Court Service Units are the result of ongoing program development. This process includes assessments of services which are necessary to

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Barrett Juvenile Correctional Center Substance Abuse Treatment Program

Update Report
October 1993 to June 1994

VIRGINIA DEPARTMENT OF
YOUTH &
FAMILY SERVICES
Youth Begins With You.

Commonwealth of Virginia
Department of Youth and Family Services

JULY 1, 1994

EXECUTIVE SUMMARY

This report is to serve as a program update on the first six months of operation of the federally funded Barrett Substance Abuse Treatment Program located at Barrett Juvenile Correctional Center in Hanover County, Virginia. The Virginia Department of Youth and Family Services was awarded a $1.8 million grant from the U.S. Department of Health and Human Services, Center for Substance Abuse Treatment. The grant award makes it possible to utilize Barrett Juvenile Correctional Center as a single purpose substance abuse treatment facility for juvenile offenders.

Significant progress has been made since receiving the federal funds in October 1993. All 86 Barrett staff have participated in a series of trainings ranging from introductory to intensive, dependent upon their role in the development of the new program and therapeutic community model. Fourteen out of 16 full-time treatment and administrative staff have been hired and trained. These are the Clinical Director, two of three Clinical Supervisors, seven of eight Clinical Social Workers (substance abuse credentialed), Vocational Rehabilitation Counselor, Recreation Therapy Supervisor, Office Services Assistant, and a Human Service Program Consultant (Evaluation and Quality Assurance). Two part-time Research Assistant positions have been hired to support program evaluation efforts.

Three months after the grant award the first 15-bed cottage went "on-line". Since then, one 15-bed cottage has come on-line every month, meeting and exceeding full capacity (90 beds) on or about June 1, 1994. The current population (as of June 30, 1994) of the Substance Abuse Treatment Program is 88 males. Of that population 50% are white and 49% are black. The data indicate more than half (51%) of the residents have never received prior treatment for their substance abusing problem, while 40% have only had one treatment episode prior to commitment. The average age of residents in the Barrett Substance Abuse Treatment Program is 16 years. This is also the reported average age of first substance abuse treatment service. However, the data indicate that the average age of initial substance use is approximately 13 years, with many clients reporting use as early as 10 years old. From this, it is evident that the majority of youth at Barrett have been using alcohol and other drugs approximately three years prior to receiving any services.

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The most widely reported abused substances are alcohol (85%) and marijuana (87%). This is followed by, in rank order of reported usage, cocaine/crack, hallucinogens, inhalants, PCP, heroin, amphetamines, and benzodiazepines. Categorically, less than 25% of the youth reported using drugs other than alcohol or marijuana. Yet, the majority of the youth can be characterized as poly-substance abusers, indicating the abuse of several different drugs. The average client is using substances at an extremely high rate. For example, almost half of the population at Barrett reported using substances before commitment on a daily basis (47.1%). The other half reported using substances to the point of intoxication weekly (48.2%). Such high consumption levels likely impact educational attainment and social functioning. Preliminary indications point to an average grade level deficit of three years for each client (sixteen years old and in the seventh or eighth grade). Eighth grade is the average reported grade level completed for residents in the Barrett Substance Abuse Treatment Program.

Services during the first six months of the transition increased 130% as treatment sessions were phased into the program. During the same period major and moderate offenses declined. Major offenses declined from an overall incidence rate of 19 per 100 youth in October 1993, to 8 per 100 youth in March 1994. Likewise, moderate offenses declined from 84 per 100 youth to 43 per 100 youth. While these statistics are consistent with the expectations of the grant that as structured therapeutic programming increase, behavior problems as measured by major and moderate offenses should decrease, it should be noted that this is a cursory examination of the program data and that attribution of these results to program efforts has not been fully established.

This document provides a brief history of substance abuse services provided by the Department of Youth and Family Services, the needs addressed by this grant, an overview of the comprehensive nature of the services being provided as part of the Barrett Substance Abuse Treatment Program, a brief description of the clients being served by the program, and an overview of the comprehensive program evaluation plan.

III PROCESS EVALUATION RESULTS

Characteristics of Barrett Program Youth

In fiscal year 1995 (July 1, 1994 - June 30, 1995) 227 male juveniles were admitted to the Barrett Program. The average age of those admitted was 16.2 years with a range of 13.1 to 18.0. Fifty-one percent of the youth were black, 1% Hispanic, and 48% were white.

- 70.5% were on their first commitment to DYFS
- Median number of offenses committed was 9
- 4.8% were classified as Serious Offenders under the Code
- 60% were 14 years old or younger at first criminal adjudication
- 84.1% have a Length of Stay determination of either 4-7 months, 6-9 months, or 8-11 months.

Assaultive Behavior

There is suffecient evidence in the literature to suggest that assaultive behavior is exacerbated when the perpetrator is under the influence of alcohol and drugs. Assault against others is common among this cohort of drug involved juvenile offenders.

- 53.7 % have a history of assault against peers
- 18.5% have a history of assault against authority figures
- 24.7% have a history of unprovoked assault
- 5.7% have a history of committing assault which required medical attention
- 5.7% have a history of assault using a weapon
- 5.7% have a history of assault while in custody

Educational Attainment

These youth exhibit similar characteristics in educational attainment as youth in other juvenile correctional centers. The average youth is one to two grades below what normally would be expected for their chronological age. Woodcock-Johnson achievement test scores that academic functioning levels are well below their grade placement. Additionally, many are in need of special education services.

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- 45% are more than 4 years behind in reading achievement
  55% are between 1.5 years and 4 years behind in reading
- 50% are more than 4 years behind in math achievement
  50% are between 1.5 years and 4 years behind in math
- 80.2% are more than 4 years behind in written knowledge achivement
  19.8% are between 1.5 years and 4 years behind in written knowledge
- 44.5% have been identified either at RDC or in the community as in need of special education services
- 14.1% were considered to be GED candidates.
- 10.1% attended school regularly before being committed
- 70.5% were occasionally or often truant
- 18.9% were either expelled or not attending school at all at time of commitment
- 68.7% had a history of verbal aggression in school
- 53.3% had a history of physical aggression in school
- 69.6% had history of conflict with educational authorities
- 94.3% had a history of discipline problems in school
- 99.0% were classified as having a minimally or moderately dysfunctional school adjustment
- For 33.9% of this cohort, attending regular public school after completing the Barrett Program is not a viable option

Family Assessment

These youth come from generally dysfunctional and often broken families. Clinical assessments of family support and stability reveal families lacking in ability to effectively deal with problems.

- 5% come from stable families
- 23.3% come from supportive families
- 71.4% come from families determined to be dysfunctional.

detrimental, or non-existant to the youth.

- At the time of commitement, 14.1% lived with both natural parents.
- 19.8% lived in a two parent home with one natural and one step parent
- 44.1% lived in a single parent home
- 8.4% lived with grandparents
- 13.7% lived in either an adoptive, foster or group home
- 26.9% have never lived with both natural parents

Incarcerated Family Members

When a parent is incarcerated it places a great amount of stress on the youth and the family. Incarceration of one or both parents is prevelent in this cohort.

- 7.9% present with a history of their mother being incarcerated
- 21.6% present with a history of their father being incarcerated
- 11.0% present with a history of their siblings being incarcerated

Inhibitors to Pro-social Development

Psychological examinations are conducted on each youth during their stay at RDC. The results indicate that low levels of psychological and social functioning constitute the associated deficits which inhibit pro-social development and responsible citizenry.

- 18.9% were determined to have a short attention span
- 22.9% exhibit poor concentration
- 9.7% had impaired short term memory
- 3.5% had impaired long term memory
- 17.6% exhibited hyperactivity
- 30.0% were clinically depressed
- 41.0% could be described as easily angered
- 18.1% exhibit behaviors that are inappropriate to situations

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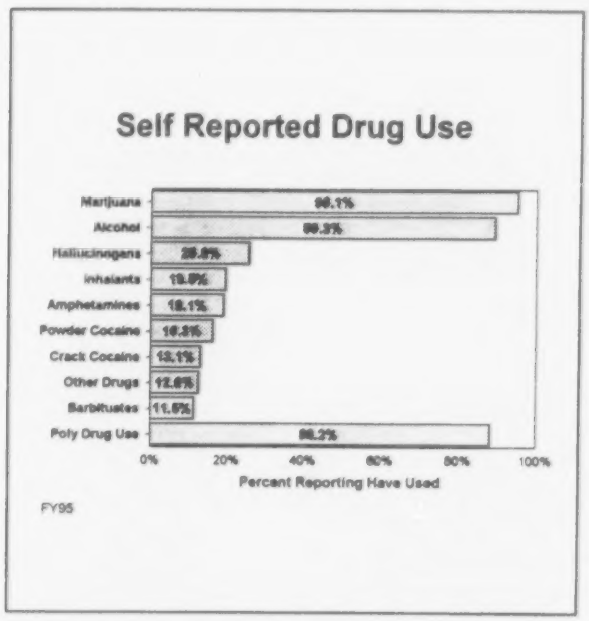
- 44.1% exhibit anxious behaviors
- 71.8% exhibit impulsivity
- 94.7% exhibit poor judgement
- 34.4% can be described as concrete thinkers

Alcohol and Drug Use

Consistent with national trends, marijuana use is on the rise. In FY95 marijuana use surpassed alcohol use in the population of youth receiving services at Barrett. Inhalants and use of hallucinogens has increased as well.



IV Outcome Evaluation Results

Outcome Analyses

Policy Research Methods, Inc., entered into contract with the Virginia Department of Youth and Family Services in December 1994 to provide four analyses associated with the outcome evaluation. The four analyses are: 1) recidivism analysis; 2) treatment effectiveness analysis; 3) cost-benefit analysis; and, 4) a system impact analysis.

The strategy for these four analyses included the development of three survey instruments.

Instrumentation

- **Recidivism Instrument:** was designed to solicit information from parole officers concerning recidivism of youth that had completed the Barrett Program.
- **Youth Followup Instrument:** was designed to solicit information from Barrett parolees on their alcohol and drug use since discharge as well as criminal activity in which they had been involved. The instrument is administered at 3, 6, 12 and 24 month intervals. It is self administered and the information is not shared with the parole officer.
- **Parole Officer Instrument:** was designed to offer a validation of the information received from the parolee. The parolee officer completes the instrument and returns it. It is then compared to the parolee's instrument to valid atethe responses.

Recidivism Analysis

The recidivism instrument was sent out in May 1995 to Barrett parolees released from the institution between 5/1/94 and 10/31/94. A comparision group was selected based on alcohol and drug use, criminality, length of stay, actual time served, SASSI classification, race, age, and committing locality. A reponse rate of 86.6% was acheived for the Barrett Group (n = 58) and a response rate of 78.9% was acheived for the Comparison Group (n =71). This response rate is suffecient to support a high level of confidence in the results.

The six month cohorts were examined for each group. Of those in the Comparison Group, 17% were reincarcerated in either the juvenile or adult correctional system within six months after release compared to 7% for those in the Barrett Group.

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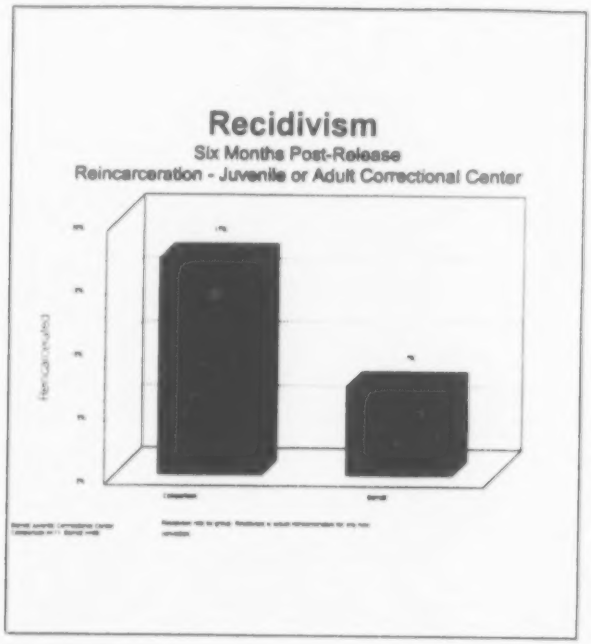
Recidivism Graphic



Treatment Effectivness

The treatment effectiveness analysis is a long term, ongoing followup analysis. All you at Barrett in March 1995 were administered the baseline version of the Treatment Effectiveness insturment. Follow up begain in July 1995 with the first three month follow up for those youth released before April 1, 1995. A rolling process tracks Barrett parolees every month with 3, 6, 12, and 24 month contacts. Parole officers also receive an instrument. Parole officers responses are compared to those of the parolees. descrpencies are addressedf or verification.

Currently Underway

The cost-benefit and system impact analyses are currently underway. These analyses seek to address the financial and systemwide impact of the Barrett Program on the Commonwealth and its Citizens.

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Substance Abuse Programs Annual Report Fiscal Year 1995

EXECUTIVE SUMMARY

The abuse of alcohol and other drugs is a significant problem for large numbers of the juveniles served by the Virginia Department of Youth and Family Services (DYFS). In response, the Department has undertaken a major initiative to address these substance abuse issues. This response, the Substance Abuse Program, involves a multi-faceted approach, incorporating many different activities. During the past year, these ongoing activities have included coordination of services across a variety of juvenile justice settings, provision of training and technical assistance, development and management of financial resources to support substance abuse programs, and research and evaluation focusing on substance abuse, violence and related issues.

This report contains information about the current status of the Department of Youth and Family Services' Substance Abuse Program, including an updated report on the findings of program evaluation activities for the 1994-1995 fiscal year. Issues that will require continuing attention and plans to be implemented in the coming year are also discussed.

The Substance Abuse Program's ongoing evaluation activities indicate the following results for the 1994-1995 fiscal year:

- 48% of the approximately 1700 juvenile offenders committed to Virginia's juvenile correctional centers during FY95 presented with significant substance abuse problems and were classified as being chemically dependent (29%) or at high risk for becoming chemically dependent (19%).
- Marijuana and alcohol are by far the substances most widely abused by youth identified as needing substance abuse treatment.
- Approximately 10% of committed juveniles were adjudicated for offenses involving sale and/or distribution of illegal drugs.
- Preliminary outcomes for youth completing the intensive substance abuse treatment program at Barrett Juvenile Correctional Center indicate substantial reductions in recidivism.

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THE VIRGINIAN-PILOT — THURSDAY, MARCH 21, 1996

BOOT CAMP FOR JUVENILES

Donald Snow Jr., 16, was incarcerated for trespassing, verbal abuse and kicking in the windows of a police car.

Now the Henrico County teen says he's found new direction in life and is considering joining the Navy SEALs.

JOHN H. SHEALLY II photos/The Virginian-Pilot

Seventeen cadets marched in unison, called out drill formations and stood at attention at Virginia's first juvenile boot camp Wednesday. This first class of cadets, if they pay attention to rules, will graduate in June.

Marching to a new beat

At Virginia's first juvenile boot camp for nonviolent young offenders, street toughs are trained in discipline and respect in Isle of Wight.

BY LINDA MCNATT
STAFF WRITER

ISLE OF WIGHT — Sporting close-cropped hair, camouflaged fatigues and shiny black boots, 17 cadets at Virginia's first juvenile boot camp showed off Wednesday for state and local officials, representatives of various state departments, mothers, fathers and grandparents.

At the grand opening of Camp Washington, they marched in unison, called out drill formations and stood at attention. But it was a quieter show — simple communication between one cadet and his parents — that brought tears to a mother's eyes.

Shaun Morgan, 16, was known as "The Menace" in the Henrico County Juvenile Court System. He broke curfew laws, smoked pot, tried to steal wine from a convenience store and, he admits, had no respect for authority.

Even on that night in mid-December, when Shaun was picked up by a sheriff's deputy after running away from home and staying at a friend's house for more than two weeks, the rebellious teenager was certain the courts would send him home again.

But, this time, the court system surprised him. Instead of putting Shaun on home arrest, he was sent to boot camp.

"I was sure I could do what I wanted, when I wanted, how I wanted," he said, as he stood talking quietly with his parents. "I was smoking pot and drinking all the time."

When he said that, Faye Morgan broke down and fell into her young son's arms.

"This is the first time he's

Please see **Cadets,** *Page* **B4**

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JOHN H. SHEALEY II/The Virginian-Pilot

At the opening of Camp Washington Wednesday, 17 cadets marched and mingled with parents, other relatives and officials. The facility near Windsor is for nonviolent offenders who may not belong in the state's juvenile correctional facilities.

Cadets: State's juvenile boot camp holds open house

Continued from Page B1

admitted it," she said, between sobs. "This is the first time he's said he had a problem with alcohol."

When he arrived at the 59-acre site that was formerly a work camp of the Virginia Department of Corrections, Shaun recalled, he thought he was walking into a "day camp" atmosphere. He was wrong again.

"I thought I was going to die," he said. "At first, they push you as far as you can go."

That's the style of Youth Services International, the private company that runs the facility in Isle of Wight County, off U.S. Route 258, near Windsor. The company gears its rehabilitation efforts toward a no-frills military environment.

Camp Washington opened and welcomed its first cadets in late January. The facility is a result of combined funding from the City of Richmond and the state Department of Youth and Family Services. It is an effort to carve a place in the juvenile justice system for nonviolent offenders who most experts agree don't belong in the state's existing juvenile correctional facilities.

Philip Nguyen of Chesterfield has something to compare the boot camp with. At 16, he was in the Richmond and Chesterfield detention centers for stealing cars and breaking into homes.

"Yes, ma'am. Here, they care about you, ma'am," he said Wednesday, in clipped, military fashion. "They teach you more, and you learn more self-discipline. Ma'am."

Youth Services International, which runs 20 other such facilities in several states from its headquarters in Maryland, claims a "70 per cent success rate.

Debbie Snow has seen some of that success in her son, a 16-year-old Henrico youth incarcerated for trespassing, verbal abuse and kicking in the windows of a police car.

"I was a little worried at first," Snow said. "It's a new program. But he told us that 20 minutes after he got here, he knew what he was going to do."

Donald Snow Jr. knows that he's changed. He's found direction in life. Now, he's talking about joining the Navy SEALs.

One drill instructor, James Beckwith, has promised to get a recruiter to come to the camp to talk with him, he said.

The cadets rise at 5:30 a.m., attend academic classes, drill and participate in group counseling throughout the day. Most of the parents agreed they have seen a change in a short time.

> *"At first, they push you as far as you can go."*
>
> **Shaun Morgan**

"He's a different person," Phillip's mother, Cuong Tran, said. "He made a 100 on a test. He's never done that in school."

To what does Beckwith credit the change in the youth?

"Good drill instructors," he said, grinning.

"And the staff is dedicated to the kids. We have a philosophy here that we treat all of them like they were our own. We use a little tough love."

The camp has a capacity for about 50. It is designed for boys from 13 to 17 years old. And David Dolch, Youth Services International's senior vice president of support services, believes that the camp, or facilities like it, could be the answer to many of today's youthful problems. "We have a tremendous task," Dolch told the crowd of about 100 gathered in front of him on the parade field. "America needs to wake up and recognize we are losing our children."

The first class of cadets, if they pay attention to rules, will graduate in June.

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A10 Tuesday, April 2, 1996

Daily Press

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EDITORIALS

Boot camp

Giving youngsters a chance to change makes sense

The director of the military-style boot camp in Isle of Wight County says, "We believe that there is no such thing as a bad kid." Such optimism is appropriate for John Johnson, whose job is to turn around teen-age boys who have maybe one last chance to do something positive with their lives.

Johnson's view is probably not widely shared by a society that is appalled by increases in juvenile crime. The response to that crime has included tougher punishment for juveniles, a response we support.

But distinctions must be made between juveniles and adults. Boot camp recognizes that distinction and recognizes that some youngsters can still be saved from lives of crime. The routine in the camp operated by Johnson was the subject of a story in Monday's Daily Press by staff writer JoAnn Frohman. The camp's mission should meet the approval of both those who want tougher treatment of juvenile criminals and those who believe firmly that efforts must be made to rehabilitate young offenders.

There is nothing easy about the routine of the boot camp. Up at 5:30 a.m.; lights out at 9:30 p.m. In between, there is a closely supervised regimen that tends to mind, body and spirit. These young men are being "punished," but they are being punished in a way designed to teach them discipline and self-esteem, qualities they will need if they are to stay out of trouble.

How successful this program will be remains to be seen. Graduates will receive six months of closely monitored probation after their release and then tracked to establish a success rate.

Certainly the transition for these young men will be critical, when they leave the structured environment of boot camp and return to the bad influences they are sure to encounter in their old neighborhoods.

But these teen-agers are in boot camp because they are well down the road toward failure. Boot camp is a last exit, a chance to get back on the right road. There is no practical or moral justification for not providing that chance to at least some of the young men caught up in the criminal justice system.

Society and the young inmates both have something to gain and everything to lose.

MONDAY, APRIL 1, 1996

Daily 100 Press
1896-1996
YEARS OF NEWS

"It's the quality of the program, not the height of the fence, that keeps kids in here."
John Johnson
Director
Camp Washington

While the sun rises, juvenile offenders cool down after the day's first drill at Camp Washington last week. Photos by Adrin Snider/Daily Press

Lessons, boys equally tough at boot camp

Drill: Young offenders can change

By JoAnn Frohman
The Daily Press

ISLE OF WIGHT

The teen-age boys in gray sweats are jogging when the sun rises. The sound of their voices singing military-style cadence blasts through the early morning quiet.

Already alert, they run in unison, stepping to the orders of the drill instructor, traveling the perimeter of the yard in one synchronized movement.

When the chanting stops, the quiet is broken only by the soft padding sound of sneakers hitting dirt.

It's daybreak at Camp Washington, a boot camp for juvenile offenders a home away from home for teen-age boys in trouble with the law. As many as 11 boys can be enrolled in the demanding, five-month program at a time.

The morning workout ends, but the day has just begun. The next 15 hours are a blur of chores, school, counseling, group therapy and military drills. Lots of drills. Long, grueling drills.

Quiet time arrives at the end of a rigorous day, but there's no unwinding in front of a television. No radio. Newspapers are OK, but forget rapping with the other kids. The residents write their thoughts in a journal. It's required.

Located off Route 258 in rural Isle of Wight County, Camp Washington isn't likely to be mistaken for a summer camp. The former adult corrections-

A recruit in his first full week at camp memorizes the rules, camp procedures and military terminology in his troop manual.

facility, which closed in 1991, looks like a prison. Coils of razor wire are looped above a 10-foot, chain-link fence around a cluster of small, whitewashed buildings. Many windows are barred.

But there aren't any guards in the towers strategically placed around the perimeter of the camp. The guards who are at the camp, identified by their black uniforms, don't carry guns or other weapons. So far, no one has tried to escape.

"It's the quality of the program, not the height of the fence, that keeps kids in here," said John Johnson, who spent 22 years in the Air Force before

Please see Camp A3

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192

192

Camp

Continued from A1

becoming director of the military-style boot camp.

The program is designed to be positive, not punitive, said Johnson, who has directed similar facilities in Maryland. It's based on discipline, not dominance, he said.

The boys, ages 14 to 17, are ordered to boot camp by a juvenile judge. They are drug addicts and pushers, gun dealers, thieves and vandals. Most of them have been in the state corrections system before — once, twice, or more. Johnson would like to think that this time will be their last.

"We ain't showing TV and serving popcorn here," he said. "This is a tough program, but it's a quality program."

Many of the boys [illegible]nhealthy when they enter the [illegible] Johnson said. They've been [illegible]g drugs, getting little sleep, eating junk food. But those habits, he said, disappear just as quickly as the long hair and dirty fingernails of a recruit who comes through the gates of Camp Washington.

"They start really loving exercise once they see what it's doing for their bodies," Johnson said. "They become proud of the way they look."

Over at the boot camp schoolhouse, the first 18 cadets to participate in Johnson's program are huddled over a math test. They entered the camp on January 30 and are scheduled to graduate on June 27.

The boys talked candidly about their experience in boot camp. They said it took a while, but they've come to understand what the program is all about. And, they said, the only thing they still don't like is getting out of bed before the sun comes up.

One boy said that boot camp has allowed him to feel proud of himself for the first time in his life. Another said he has learned self-discipline, a trait he will rely on to keep him out of trouble when he gets back home.

Other boys talked about motivation, learning to control their anger and staying focused on their goals. Most of them said they wanted to return to school. Some said they would like to go to college. Others talked about getting a job and staying out of trouble.

"Boot camp has taught me how to believe in myself," said one boy. "I always thought that I was just a bad kid, but now I know there's no such thing as a bad kid."

Family is an integral part of the boot-camp experience. Some of the boys don't have parents, Johnson said. Others have parents who don't care anymore, if they ever did.

Once a month, Johnson gets on the phone to invite — and often beg — relatives to visit the boys at the camp. He holds workshops during the Sunday-afternoon visits to show families how they can help the boys when they are released.

"Nothing will break your heart more than seeing a kid with tears running down his face, standing by the gate waiting for parents who never show up," Johnson said.

After five months at Camp Washington, the boys will undergo six months of "after care," or intensive probation in their own communities. They will be tracked for a year after their final release to help determine the success of the program.

The boot camp is a joint effort of the Virginia Department of Corrections and the City of Richmond. About 55 percent of the cadets at camp are from Richmond. The remaining 45 percent come from all parts of Virginia.

The camp is operated by Youth Services International Inc., a private company founded in 1991 and based in Maryland. Johnson and the other 32 staff members are employees of YSI and are trained by the company to run the boot camp.

Kathleen Schindler left the Marine Corps after five years and has been a drill instructor at the camp since it opened. She said she loves her new job and is inspired by the boys, who quickly won her heart.

"We don't intimidate them, we take control over them," said 27-year-old Schindler. "If we respect them, they learn to respect us."

Schindler was watching a new group of 14 recruits working out in their barracks, practicing military drills beside rows of neatly made bunk beds, flanked by wooden foot lockers. There are no personal belongings from home, nothing to distinguish one boy's space from another's.

After two days in boot camp, the recruits had memorized a list of camp rules and chanted them in unison as they marched back and forth across the wooden floor. Some sweated as they struggled to keep up with the orders being barked out by their drill instructor.

The cadets earn privileges and independence as they progress through the boot camp, Johnson said. The program emphasizes teamwork and cooperation, and the boys are taught to encourage and support each other, he said.

Johnson said that if his program can keep one boy off the streets and out of the criminal justice system, he believes it is successful.

"We believe that there is no such thing as a bad kid," Johnson said. "Our goal is to teach them that they can change, that there is hope.

"Some of them have never had hope before."

Licensed practical nurse Joseph Musselman checks a camp resident's throat after the inmate complained of a sore throat recently. Many young offenders arrive at boot camp in less than ideal health.

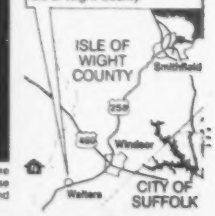
Capt. James Beckwith sings out the cadence as boot camp inmates make their morning run in the exercise area one week ago. Instructors supervise everything residents do during the day, including dressing, calisthenics and study.

A boot camp resident sweeps the assembly area at the barracks.

Photos by Adrin Snider/Daily Press

Juvenile boot camp

The state Department of Youth and Family Services opened a juvenile corrections facility in January on a 57-acre site in Isle of Wight County.



DAILY DRILL

5:30 a.m. Rise and shine, put on physical training gear for morning workout.

6-7 a.m. Physical training and drills, including calisthenics, jogging.

7-8 a.m. Return to barracks. Clean up barracks, shower, dress for breakfast.

8-9 a.m. Flag-raising, breakfast.

9-11 a.m. School.

11 a.m.-1 p.m. Lunch and group therapy sessions.

1-4 p.m. School.

4-6:30 p.m. Drills, chores, focus groups to encourage teamwork.

6:30 p.m. Dinner. After-dinner programs on such topics as drug and alcohol abuse, vocational education, health issues, family issues.

7:30-9 p.m. Homework. Cadets can read newspaper for current events.

9-9:30 p.m. Quiet time. Write in journal.

9:30 p.m. Lights out.

188

RESPONSES OF MR. SCHWARTZ TO QUESTIONS FROM SENATOR HATCH

PHILOSOPHY

Question 1. Recently the trend in state legislatures has been to change the juvenile delinquency declaration of purpose from rehabilitation to retribution and punishment. Indeed, in today's Washington Post, there is an article about the Virginia Assembly's legislation that would require teenagers as young as 14 to be tried and sentenced as adults for murder and other violent crimes. It would also open to the public, juvenile court proceedings and records for felony cases. Do you agree with these changes? Should the goal of the juvenile court system be closer to that of the adult criminal system?

Answer 1. The ABA, through its Juvenile Justice Standards, has believed that public protection can best be insured through a juvenile justice system that is not retributive, but teaches juveniles the consequences of violating the law while taking into account their "unique physical, psychological and social features." The Standards, which were adopted by the ABA in 1980, call for determinate sentencing (disposition) of juvenile offenders—they thus recognized the notion of proportionality. At the same time, the Standards recognize that some juveniles are no longer amenable to treatment in the juvenile justice system, and that waiver to adult court is then appropriate in order to protect the public. The Standards are clear, however, that waiver to adult court ought not to be automatic, but based on the facts of individual cases after a fair hearing before a judge.

The Standards permit limited public access to the juvenile court, giving discretion to judges to open courtrooms subject to certain restrictions, such as protecting the identity of the juvenile.

The Standards' general policy on access to juvenile records is that, "Juvenile records should not be public records." The Standards promote strict control over the accessibility and use of juvenile records to prevent "misuse or misinterpretation of the information, the unnecessary denial of opportunities and benefits of juveniles, or an interference with the purposes of official intervention." Based on my experience, most states have provisions for sharing of juvenile records among law enforcement personnel, and among courts. Increasingly, states have also permitted sharing of records with schools. In Pennsylvania, for example, the General Assembly has permitted the use of juvenile records to determine bail for adult offenders, and to enhance adult sentencing "scores" under our sentencing guidelines.

The evidence to date is that efforts to be punitive, rather than rehabilitative, do not reduce crime effectively or efficiently. Punishment of juveniles, rather than providing an informed program of intervention (that includes holding the juvenile accountable, protecting the public, and developing the juvenile's competence to be a productive adult), serves only the goal of retribution. The literature suggests that there is no gain in deterrence, incapacitation or rehabilitation. Thus, while the juvenile justice system should have the same procedural safeguards as the adult system, there is no reason to believe that the adult system is the answer to any question posed by juvenile crime.

Question 2. It seems like each of your respective states have implemented slightly modified versions of the Juvenile Justice Act; each state has tailored the programs to its individual, local needs. I am generally skeptical about Washington imposing programs on states. For example, while I believe that a balance between prevention and incarceration of juveniles should exist, isn't this a decision that should be made at a local level, instead of the federal level?

Answer 2. The ABA Standards recognize an important federal role in promoting innovative programs, encouraging research, and evaluating reform strategies. These are all important parts of the Juvenile Justice and Delinquency Prevention Act. The Act also requires responsiveness to local needs by requiring that funds be distributed through the state advisory groups.

In addition, there is an important federal role in setting baseline standards to ensure the safety of the nation's children. This is done through JJDPA's core requirements.

Indeed, as the question implies, nothing in JJDPA has prohibited states from experimenting with innovation, and with developing their own balance between prevention and incarceration. Pennsylvania, for example, in 1995 passed a dozen laws designed to "get tough" with juveniles. There was never a suggestion, during the Special Session on Crime, that JJDPA was an obstacle to Pennsylvania's efforts.

Question 3. What is your opinion of earmarks such as boot camps, mentoring, intensive supervision or others? Research—at least up to this point—has not been kind to any of these earmarked programs. It seems that recidivism rates are statics if not higher after attendance in a boot camp. These programs do not seem to be

curbing the delinquency rate. Should we, the federal government, remove the earmarks to let states experiment with various types of programs or, at the very least, fund only those programs that have shown through research and evaluation to be effective in curbing youth crime?

Answer 3. The ABA has no position on earmarks. The ABA Standards do endorse a federal role in promoting innovate programs, but earmarks are not a necessary component of such innovation.

Although research has been unkind to boot camps, there have been more favorable assessments of mentoring and intensive supervision programs. My personal view, however is that there is no reason to preserve the earmarks. States should have the option of experimenting with various types of programs. Model programs, subject to evaluation, can be implemented directly from the OJJDP Administrator's office, through competitive or discretionary grants. States would then be able to judge which programs to introduce to meet local need.

Question 4. Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) a helpful institution to state advisory groups in terms of policy? Should more money be allocated by OJJDP to provide technical assistance to the state advisory groups?

Answer 4. The ABA has no position on OJJDP's role, and we have no first-hand knowledge of how helpful OJJDP is to state advisory groups in terms of policy. However, discussions I've had with the Coalition for Juvenile Justice (the national coalition of state juvenile justice advisory groups) reveal that the Coalition values the presence of a federal Office of Juvenile Justice and Delinquency Prevention because it provides national research, experimentation with model programs, and dissemination of useful publications and information about innovative programs. These activities allow OJJDP to provide important technical assistance to state advisory groups and others.

MANDATES/REQUIREMENTS

Question 1. Of the four major mandates, (deinstitutionalizing status offenders; sight and sound separation; removing juveniles from adult jails; and reduction of minority confinement), which is the most difficult to stay in compliance with? What are the costs involved with staying in compliance?

Answer 1. The ABA has no role in implementing the mandates. However, data suggest that deinstitutionalization of status offenders is the easiest mandate with which to comply.

My experience in Pennsylvania with reform of juvenile justice and other systems is that (a) there are costs associated with getting into compliance, and that these costs can be handled easily through formula grant funding; and (b) the costs of maintaining compliance is minimal once practices and values have been changed at the local level.

Question 2. Are the requirements within the Act—either the mandates themselves, or regulations implementing the mandates—that need to be removed or changed in order for the Act to accomplish its intended goal?

Answer 2. The ABA supports reauthorization of the Act in its current form. As I noted in my testimony, while the ABA would support additional regulatory flexibility, care must be taken to ensure that flexibility doesn't swallow the mandates. As I testified, "The question is not one of mandates, but of how they are enforced, and with what level of elasticity. The data suggest that OJJDP in Republican and Democratic administrations has been sensitive to State needs to respond to the occasional extraordinary case. The Act thus represents sound national policy, rather than a straightjacket. To the extent that the mandates are too confining, consideration should be given to addressing that issue through the regulatory process, or through giving waiver authority to OJJDP's administrator when there is evidence of extraordinary circumstances."

Question 3. Many states have incorporated the goals of the Juvenile Justice Act into their state codes. Currently, most states are in compliance with the mandates. It seems that the Juvenile Justice Act has served its intended purpose, which was to ensure that juveniles were treated fairly in the criminal justice system. In your opinion, could the mandates be removed and replaced with juvenile justice system goals? That preserves the national directive that states can follow, but if the states can't comply, they still have the opportunity for receiving funding.

Answer 3. JJDPA ensures continuity of federal policy that ensures that children are safe, are not brutalized, are not exposed to suicide risks, and are not penalized because of their race. As I testified, this federal policy provides important continuity to a system that is highly fragmented, and in which there is enormous turnover. This policy also insulates state and local systems from momentary political pressures. Indeed, the testimony before this Committee from state administrators who

want to retreat from the goals of JJDPA suggests that the Act is needed now as much as ever.

I would note that the goals of the Act are more than ensuring that "juveniles were treated fairly in the criminal justice system." The Act was aimed at persistent, urgent problems that Congress uncovered after lengthy hearings. These problems—the mixing of children with adults, the incarceration of children who committed no crimes, and disproportionate minority confinement—have required solutions that go beyond ensuring fair procedures.

Question 4. Many critics of revising the mandates claim that if we abandon the mandates, states will be inclined to house juveniles and adults together and will basically abandon the supposed advances we have made in incarcerated juveniles in safe spaces. Is it likely that juveniles will be subject to brutality and the like if we abandon the mandates—is that a realistic probability?

Answer 4. The evidence is that there is a reasonable probability that juveniles will be subject to brutality and the like if we abandon the mandates. There are always budget and political pressures, as well as personnel turnover, that lead to children being held in convenient, rather than safe, places. Again, commentary to the ABA Standards would "flatly outlaw" placement of juveniles in adult facilities "under any circumstances."

PROGRAMS/IMPLEMENTATION/EVALUATION

Question 1. Have the so-called challenge activities had a significant impact on delinquency in your state? Which activities are being conducted? Are the requirements to participate in the challenge activities burdensome? Does the cost to the state outweigh the additional 10% funding that is offered?

Answer 1. The ABA has not been involved in the challenge grant activities, though the Association in 1992 supported the version of the Act that contained the challenge grants.

The challenge grants are a good example of rewarding states for success in meeting the formula grant mandates. In Pennsylvania, our state advisory group, working with the Governor's office, selected those challenge activities that best fit the needs of our state. We developed sound uses for the funding, and there is no indication that the costs to the state outweigh the benefits.

Question 2. I understand that one of these activities is to develop programs to provide access to counsel for all juveniles in the justice system and to ensure that juveniles consult with counsel before waiving their rights. Do you think that is a worthwhile program? What about the other activities such as increasing community-based alternatives to incarceration, or closing traditional training activities and replacing them with secure settings for no more than 50 violent offenders. Are these worthwhile and realistic goals?

Answer 2. All of the challenge grant activities are worthwhile goals. States have an option of applying for funding for any one (or more) of the grants, or of applying for none.

The ABA certainly supports a juvenile's right to effective counsel, and believes that funding to states to implement that right is appropriate. Moreover, the ABA Standards state plainly, "A juvenile's right to counsel may not be waived." The ABA recently released "A Call for Justice," a national assessment of juvenile access to counsel and quality of representation, which was funded by a grant from OJJDP; a copy is enclosed for your review. The ABA Standards support small secure settings, as opposed to large training schools—the evidence is that smaller settings, with individual attention and closer supervision, produce better results than large training schools. I note that in 1995, only seven states chose to use challenge grant funds to increase access to counsel; and only four states chose to use challenge grant funds to establish small secure settings.

Question 3. The Promising Programs book that the Office of Juvenile Justice and Delinquency Prevention provides lists a number of community programs that have been tried in other districts. However, very few of the programs have evaluation components attached to them. Does the absence of evaluative studies of these programs make it difficult when searching for innovative programs? Is the book helpful when looking for new programs?

Answer 3. The ABA Standards support both process and outcome evaluation of programs. The absence of comprehensive evaluations of many juvenile justice programs is a problem in the field. Some programs have funded their own evaluations. In Philadelphia, the Department of Human Services has arranged for Temple University Crime and Justice Research Institute to evaluate programs under DHS contract. However, few evaluations use control groups, and few are longitudinal. "Promising Programs" is helpful, in that it (a) directs state and local government to pro-

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grams that are thought to work, (b) it suggests models for replication, and (c) it suggests ways to target programs to juveniles with specific needs. However, there is no question that evaluation of all programs should be significantly enhanced.

DRUGS AND CRIME

Question. I am deeply disturbed by the recent indications that drug abuse is once again on the rise with our nation's youth. I think we all recognize that drugs fuel much of the violent crime problem in America, particularly in our urban centers. In your opinion what needs to be done to prevent children from becoming involved with drugs in the first place?

Answer. ABA policy on drugs and youth calls for an array of strategies that include prevention, education, treatment and law enforcement.

Law enforcement officials with whom I have spoken, including members of the ABA Juvenile Justice Committee, recognize that a comprehensive strategy is critical, and that law enforcement alone cannot have the desired impact.

RESPONSES OF MR. SCHWARTZ TO QUESTIONS FROM SENATOR SIMPSON

Question 1. All Witnesses: It is evident from the testimony we have heard that "one size fits all" solutions won't solve the juvenile crime problem in every part of the country. Would you support legislation like Senator Kassebaum's Youth Community Block Grant Act? Her bill would consolidate 19 federal youth development and prevention programs into a block grant to the states. This would allow state and local governments the flexibility to adapt to a changing juvenile population, and to design programs that fit their own particular circumstances.

Answer 1. The ABA has no relevant policy with respect to Senator Kassebaum's bill. My own experience suggests that block grants can be effective if they are tied to improving specific outcomes for children and families, have restrictions that prevent harm to children and families, and are not solely aimed at budget reduction. JJDPA is such a block grant: it has allowed states to have enormous flexibility, while ensuring that the money be used for delinquency prevention and for improving the juvenile justice system.

Question 2. I think we all support the concept of separating juvenile and adult detainees. Could this interest not be accomplished by a more flexible general "separation" requirement without the specific and detailed requirements currently being enforced?

Answer 2. ABA policy, established by the Juvenile Justice Standards, prohibits detention of juveniles in any facility or part of a facility that also detains adults. The commentary to the Standards says, "These Standards require an absolute prohibition on the mixing of juvenile and adult offenders."

I would add that although many states have been able to meet the current detailed separation requirements, the goal of separation could indeed be accomplished with less specific and detailed requirements. OJJDP is moving in that direction with regulatory reform. As I noted in my testimony, however, there is a danger that exceptions and flexibility will make the requirement a nullity. As I testified, "The question is not one of mandates, but of how they are enforced, and with what level of elasticity. The data suggest that OJJDP in Republican and Democratic administrations has been sensitive to State needs to respond to the occasional extraordinary case. The Act thus represents sound national policy, rather than a straightjacket. To the extent that the mandates are too confining, consideration should be given to addressing that issue through the regulatory process, or through giving waiver authority to OJJDP's administrator when there is evidence of extraordinary circumstances."

Question 3. You also state that the JJDPA mandates reduce self-fulfilling prophecies, since children who haven't committed crimes avoid perceiving themselves as delinquent, and delinquents avoid seeing themselves as adult offenders. It seems to me that having some idea of what the results might be if they continue committing delinquent acts might encourage some of these kids to think twice about their actions. How can we change the behavior of juvenile delinquents if we don't make it perfectly clear that this behavior is unacceptable? Shouldn't we at least make some sort of discretionary detention an available option for local law enforcement agencies?

Answer 3. The ABA agrees with your view that society must make clear to juveniles that delinquent behavior is unacceptable. Indeed, the ABA Standards, adopted in 1980, call for determinate dispositions (sentences) and a program of graduated sanctions. The Standards also call for juveniles taking responsibility for their actions, through the use of restitution, fines and community service.

However, there is no inconsistency between the mandates and making juveniles accountable for their actions. Tens of thousands of juveniles are incarcerated every day in this country, many for long periods of confinement. Hundreds of thousands of juveniles are held in pre-trial detention centers each year. Although I am not speaking for the Commonwealth of Pennsylvania, I note that JJDPA was no obstacle to Pennsylvania (a large rural state, which has juvenile detention centers in fewer than a third of its 67 counties) enacting in 1995 a host of laws aimed at juveniles. These new laws promote transfer to adult court and ensure that the purposes of our juvenile code include accountability and public safety as well as rehabilitation. Pennsylvania is proud of its compliance with JJDPA's mandates. There is nothing in JJDPA however, that barred the General Assembly during its Special Session on Crime; nor has JJDPA impeded the huge discretion that Pennsylvania judges have over the supervision and treatment of juvenile offenders.

Question 4. You spoke of several "areas of success"—reducing juvenile jailings, the development of a forum for debate, the availability of accurate data, the creation of state and local partnerships, and the creation of networks of community-based services. While most of these may be very worth-while objectives, it seems to me that the single greatest indicator of success should be a measurable reduction in juvenile crime. Yet we heard every one of the speakers in our previous hearing talk about how the number of juveniles arrested for every category of crime has virtually exploded in the past few years. The number of violent crimes committed by juveniles is up by 75 percent in the last decade. Have we really accomplished anything then, with all of our "father knows best" mandates, or do we need to start giving local agencies the flexibility to design solutions that meet their own unique needs?

Answer 4. The juvenile crime rate has fluctuated during the time that the mandates have been in effect. Indeed, during the time of the greatest drop in jailing of juveniles, and in incarceration of status offenders, the juvenile crime rate also decreased. Those who have looked at the evidence suggest that recent increases in serious juvenile crime are largely attributable to guns and drugs.

Indeed, local agencies have almost unlimited flexibility to design solutions that meet their own unique needs. The only limits on that flexibility are the Act's core requirements, which enjoin states from harming children. Again, although I am not speaking for Pennsylvania, I note that twenty years ago, Pennsylvania responded promptly to build a system that complied with the mandates, because state officials shared the values of the Act. At the same time, the state has exercised enormous flexibility and creativity in meeting local needs. Nothing in JJDPA impeded those efforts.

Question 5. Would you support allowing a 24-hour exemption from sight and sound separation requirements in an emergency situation, if physical separation were maintained? Why or why not?

Answer 5. ABA policy, established by the Juvenile Justice Standards, prohibits detention of juveniles in any facility or part of a facility that also detains adults. The commentary to the Standards says, "These Standards require an absolute prohibition on the mixing of juvenile and adult offenders."

Exceptions to the rule can lead jurisdictions to avoid building a system that make it easy to comply with the rule. Indeed, one of the goals of the Act is to require states to develop systems that would cover "emergency" situations, obviating the need to carve out exemptions. I saw the results of creating exceptions to the norm in a Pennsylvania case that challenged the way discretion was used in the state in the late '70s and early '80s; the consent decree that established detention guidelines also allowed for detention in "exceptional circumstances," which increased over time as every decision-maker had leeway to determine exceptionality. That is not a sound way to run a system.

RESPONSES OF MR. SCHWARTZ TO QUESTIONS FROM SENATOR KOHL

TO ALL WITNESSES ON PANEL III

Question. I have introduced legislation that would extend the period during which rural areas may keep juveniles in a separate portion of an adult facility from 24 to 72 hours, and permit shared staffing during these short periods. Is this a good idea? Do you think it moves in the right direction in terms of reauthorization?

Answer. ABA policy, established by the Juvenile Justice Standards, prohibits detention of juveniles in any facility or part of a facility that also detains adults. The commentary to the Standards says, "These Standards require an absolute prohibition on the mixing of juvenile and adult offenders."

Current law already excludes weekends and holidays from the 24-hour count. I would be careful about expanding the time period beyond those exceptions. The better practice is to encourage states to build systems that will obviate the need for lengthy detention. Many states have developed an array of shelter care, shared detention, intensive supervision (including electronic monitoring), that can address short term detention needs, even in rural communities.

With respect to shared staffing, my personal view is that the results of the recent Wisconsin experiment suggest that shared staff may be appropriate if they do not work with both juveniles and adults during the same shift, and are trained and certified with respect to the special needs of juvenile offenders.

TO ALL WITNESSES ON PANELS II AND III

Question 1. Some critics have argued that the juvenile justice mandates—particularly the deinstitutionalization of status offenders and the jail removal requirements—have contributed to rising juvenile crime rates.

At the last hearing, however, experts testified that significant increases in juvenile crime rates began around 1985—when crack cocaine entered our cities, and access to guns dramatically spread throughout our inner cities. The mandates began in 1974.

Now, given the fact that this increase started over a decade after the mandates went into effect, do you think it's reasonable to blame the mandates for our juvenile crime problem?

Answer 1. Indeed, the juvenile crime rate has fluctuated during the time that the mandates have been in effect. During the time of the greatest drop in jailing of juveniles, and in incarceration of status offenders, the juvenile crime rate also decreased. Those who have looked at the evidence suggest that recent increases in serious juvenile crime are largely attributable to guns and drugs. There is no reason to think that the mandates have contributed to juvenile crime.

Question 2. Many juvenile facilities suffer from significant overcrowding, which in turn leads to greater violence between juveniles, more attacks on staff, and less rehabilitation. In your experience with your local juvenile justice systems, have you seen overcrowding problems, and what are the consequences of these problems? Would you support more targeted efforts to fund juvenile detention facilities.

Answer 2. I have seen massive overcrowding in the course of my Juvenile Law Center practice, with all of the consequences stated in your question. It is difficult to have decent programming, i.e., educational and vocational classes, exercise, work, and access to family, when staff are consumed with managing excessive populations. Brutality abounds. Staff skills erode as they put in overtime. Sick leave increases, reducing important continuity between staff and residents. Overcrowded institutions, in the end, contribute to delinquent behavior, rather than mitigating it.

I would support more targeted efforts to fund alternatives to detention. I would also fund studies of a jurisdiction's policies, so that localities can make individualized determinations of how to change policies and practice to avoid overcrowding while still ensuring public safety. Overcrowding is a function of (a) who is admitted to a facility, and (b) how long that person stays. Sound policy analysis leads to targeted development of alternatives and improved processing of juveniles. The ABA Standards note that "Overcrowding is generally a symptom of an operational problem and does not [itself] imply the need for new construction."

Question 3. Some critics of the mandates argue that they have nothing to do with prevention of crime, and are therefore not a good investment. Yet studies have confirmed the common-sense proposition that once a juvenile is thrown in with adults, he hardens, making rehabilitation harder. Given your experience with the Act, do you think that separating juveniles from adult prisoners contributes to preventing crime?

Answer 3. My testimony addresses this point. Separating juveniles from adult prisoners does contribute to crime prevention. As I testified, "One way to think of the mandates is that they protect children from harm. Another way is to realize that mandates promote public safety by eliminating factors that lead to delinquent behavior. This last point unfolds in several ways. First, there is a strong correlation between child abuse and delinquent behavior—child abuse is frequent when children are in adult institutions. Keeping children out of adult institutions, separating them from adults, and keeping non-offenders away from offenders reduces incidents of assault and rape. Second, criminal tendencies are mitigated by keeping non-delinquent children from the influence of children who have been engaged in delinquent acts—indeed, usually seriously delinquent behavior, since juveniles in detention centers are usually the jurisdiction's most serious offenders. Third, the mandates reduce self-fulfilling prophecies, since children who haven't committed crimes avoid

perceiving themselves as delinquent; and delinquents avoid seeing themselves as though they were adult offenders. Fourth, the mandates reduce the likelihood that children will be recruited into criminal networks through their associations with those who are."

Question 4. In my own State of Wisconsin, we have been able to work out an exemption to the prohibition on shared staff, so long as staff does not work with both juveniles and adults during the same shift, and all staff are properly trained and certified. This exemption was worked out with, and ultimately approved by, the Office of Juvenile Justice and Delinquency Prevention.

Do you think that there is a way to work out something similar in your state that could deal with your particular difficulties with the mandates, yet maintain the basic principles of maintaining virtually complete separation of juveniles from adults?

Answer 4. ABA policy, although calling for separation of juveniles and adults, also encourages "maximum opportunity for participation by the states" in developing policies that reflect "the needs of the states."

I cannot speak for Pennsylvania. I note that Pennsylvania has done more than most states in documenting compliance with the Act, and it has worked hard and successfully to comply. There may be some areas in which Pennsylvania staff would appreciate added flexibility, but this question is more appropriately addressed to them.

Question 5. During these hearings, I have heard many complaints about the mandates, but in order to try to deal with these matters legislatively, it is critical that we have specific information and specific solutions. We need to know what flexibility you need, and what limits there should be on that flexibility to ensure that we guarantee the protection of young people without hampering law enforcement. Could you list what you are doing now—as required under the mandates—that you do not want to do? Could you list what you are not doing now—that the mandates are prohibiting you from doing—that you would like to do?

Answer 5. Again, the ABA supports the mandates in their current form. I am not in a position to answer on behalf of Pennsylvania.

Question 6. Several complaints regarding the disproportionate representation of minorities mandate suggested that this mandate is onerous because it requires that the percentage of incarcerated juveniles must equal the number of juveniles in the general state population—sort of prison quota. Specifically, some of the witnesses went so far as to suggest that they are "in violation of the act if there is an imbalance.

In fact, the mandate (42 U.S.C. 5633(a)(23)) only requires that states submit plans for implementing that Act that "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

From my reading of this, States are only required to include provisions in their state plans that "address efforts" to fight over representation—there is no requirement that they actually achieve equal representation, or anything close to it.

Do you read this differently? Can you explain specifically why this section causes problems for you in implementing the Act? Do you think we should delete this mandate, and not require any efforts towards rectifying over representation?

Answer 6. The ABA has long supported the elimination of racial bias in the justice system, and this mandate presents us with no problems. Indeed, many people in the field believe that this mandate has not been implemented strongly enough.

In Pennsylvania, our state advisory group funded a study that suggested bias at the arrest and detention stages of the system. We have increased training on those issues, and used formula grant dollars to target minority communities with high crime rates—prevention is a method of addressing disproportion in the system. To the best of my knowledge, this mandate has not presented problems for the state, but again, I cannot speak on behalf of Pennsylvania.

Question 7. We are always trying to learn more about what is effective at each level of the juvenile justice process. What studies have been done in your state that indicate the effectiveness of any prevention, intervention, or incarceration programs in your state at either the state or local level? It would be very helpful if you would supply a copy of each report and summarize the results.

Answer 7. I will arrange for copies of "Pennsylvania Progress" to be sent to the Subcommittee under separate cover. "Pennsylvania Progress" is our state advisory group effort to describe, quarterly, how we have used JJDPA dollars.

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ADDITIONAL SUBMISSIONS FOR THE RECORD

PREPARED STATEMENT OF GARY B. MELTON ON BEHALF OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION

Mr. Chairman and members of the Subcommittee on Juvenile Justice, it is a privilege to testify today on behalf of the 108,000 members and associates of the American Psychological Association (APA). Thousands of APA's members are active in the provision of mental health services to troubled youth and families. Many others conduct research on the causes, prevention, and treatment of child and family problems. Whether practitioners, researchers, or both, psychologists are committed to public service oriented toward the development and implementation of policy consistent with the dignity and welfare of children and youth and the integrity of their families.

Less than a year ago, the U.S. Advisory Board on Child Abuse and Neglect, of which I am a member, completed a review of the state of child protection in the United States. What we saw—the enormity of the problem of child maltreatment and the inadequacy of the nation's response—was both sobering and enraging. With no hyperbole, the Board declared a national emergency in the field of child protection. We called for a comprehensive national response to this crisis, and we articulated roles for many sectors and levels of society. Recommendation 8 of the Board's report urged "national scientific societies and professional associations to undertake major initiatives to stimulate the development of knowledge about child abuse and neglect and the improvement of the child protection system and to diffuse such knowledge to their members, policymakers, and the general public."

I am pleased to report that APA has taken this recommendation seriously. APA has adopted a high-priority initiative of unprecedented scope to identify what is known, what needs to be known, and what can be done now to prevent and treat child maltreatment, to generate the human resources necessary for child protection, and to develop sound public policies on the problem.

As critical, though, as action by voluntary associations and other private-sector groups like APA is, it is not enough. Reasonable people may disagree about the range of duties that the government has toward its youngest citizens, but no one can dispute that, at a minimum, government owes protection from harm to those whose dependency it enforces. At least for the past decade, though, government rarely has exerted leadership in either child protection or juvenile justice. When leadership has been attempted, it often has been misdirected in the service of ideology more than the welfare and dignity of children. The result, the Advisory Board said, is a "moral disaster" in which maltreatment of children is epidemic and the societal response has been appallingly inadequate and flawed.

Like all people, children are owed protection of their physical and psychological integrity. Like all citizens, children are entitled to justice and government's respect for their dignity. Society itself needs a new generation that shares the values of a caring community and that has experienced a safe environment in which to learn. Such matters are too important to be relegated to partisan politics or policy by slogan.

In that regard, Mr. Chairman, we applaud your initiative to respond to the Board's report with legislation authorizing treatment programs for abused youth in the juvenile justice system (an authority that we hope will be followed with an appropriation in this Congress). We also support your recent introduction of legislation to authorize new programs to assist runaway youth, who often are fleeing from abuse. Perhaps most of all, we are pleased that you are providing the leadership for a comprehensive examination of the role of the law in the lives of our nation's children, especially those who are most troubled and vulnerable. APA looks forward to working with you, Senator Biden, Senator Brown, and your staffs in building a system of justice for children that is consistent with the core values in our legal system.

In that context, I would like to describe the current state of knowledge about the links between status offense jurisdiction and child maltreatment. In general, the states' use of status offense jurisdiction generally is a particularly gross example of a lack of planning in the child and family service system. Broad status offense jurisdiction invites manipulation of the service system in a manner inconsistent with overt policy goals, such as avoidance of unduly restrictive and intrusive services. Unfortunately, the topic of status offenses also is an excellent example of disregard by Federal officials of their roles in generation and diffusion of scientific knowledge and models of policy and practice relevant to important social problems. In part of

a result, the topic of status offenses also presents exemplars of state-inflicted harm on children and youth. It is only slightly overstated to say that, however noble public officials' intent may be, *status offense jurisdiction often is de facto punishment for being maltreated.*

Allow me to list the facts that underlie my harsh conclusion. First, research shows that status offenders do "look different" from juvenile delinquents. The notion that status offense jurisdiction is a wise exercise in early intervention among antisocial youth is simply untrue. Research shows that status offending is typically not a steppingstone to delinquency. Adolescent girls, many of whom have been subjected to sexual abuse, enter the juvenile justice system much more often, proportionately, under status offense jurisdiction than as a result of delinquency petitions. Moreover, they tend to be subjected to harsher dispositions than male status offenders.

Second, as illustrated by the examples of girls who run away from home as a defense against incest and of youth who are classified legally as runaways but who really are "throwaways," juvenile court jurisdiction in status-offense cases often could be sought instead on the basis of child protection petitions. As one well-known scholar on juvenile justice and child welfare as succinctly stated, "One of the most problematic aspects of the juvenile justice system is its failure to distinguish offenders from victims. Nowhere is this more true than in the case of sexual abuse and sexual behavior."[1]

Indeed, the most striking commonality of status-offense cases is serious family dysfunction. Although the proportion varies across jurisdictions, in many communities the majority of status offense petitions—in some cities, the vast majority—are filed by parents against their children as "ungovernable" or "incorrigible." Research shows that such petitions are especially likely to result in detention and restrictive dispositions. It is hard to imagine how a quasi-punitive response to an individual child in the face of such serious family conflict can be either fair or effective,[2] The ineffectiveness of such an approach is confirmed by available evaluation research, which shows that services based in juvenile justice often fail even in inducing youth to keep their appointments.

Third, the Children in Custody survey shows that thousands of children and youth charged with status offenses are confined each day in secure detention facilities—youth jails. Even more disturbing is the fact that hundreds are confined each day without even the pretense of a status offense. They are acknowledged to be offenders sent to training schools is caused in part by "training" in delinquency and crime.

Fourth, just as child protective jurisdiction has become the entry point for overburdened child welfare agencies in some communities, status offense petitions often are misused as a means of obtaining services for troubled youth and families. In some communities, the court is the first rather than the last resort for families desiring services. For example, in one county in which I consult, the number of children referred to the family court is double the number referred to all of the community mental health programs combined. Families should not have to resort to a stigmatizing determination of their child's "guilt" in a juvenile court proceeding in order to obtain help when they are having serious problems.

Although systematic research on the point is missing, there is much anecdotal evidence that status offense petitions are frequently filed because the label of child in need of services is taken literally. Status offense jurisdiction sometimes is invoked as an indirect means of administrative review, when one agency believes that another is being unresponsive. Thus, status offense petitions often are signs of failure of, or at least dissatisfaction with, the service system more than indicators of culpable behavior of the individual youth. Such agencies are clear exemplars of blaming the victim—subjecting a child who already may have a traumatic history to a quasi-punitive process because of a lack of adequate services.

It should be noted that this approach not only is unfair but also usually ineffective. Courts are not equipped to be social service agencies, and they rarely have a broad range of services available to them. Indeed, in many jurisdictions the most

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[1] Sarri, "Gender Issues in Juvenile Justice," 29 Crime and Delinquency 381, 382–83 (1983).

[2] Some states have recognized this point by re-defining status offenses as families in need of services (Iowa) or juvenile-family crises (New Jersey). In such states, family court jurisdiction can be used only after other family services (in the New Jersey system, special Juvenile-Family Crisis Intervention Units) have failed and the court in fact has appropriate services available. Such statutes also bar use of detention or training schools or (in Iowa) even involuntary probation for such family problems. Unfortunately, evaluation research is lacking to determine whether such services in the shadow of the court are effective for families with problems that seem otherwise intractable, or whether such services typically are rendered for problems that could be alleviated as well or better without involvement of the legal system at all if other service systems were working properly.

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common result of a status offense petition is unsupervised probation (without services).

The issues presented in our own and others' testimony today about status offense jurisdiction illustrate several of the general findings of the U.S. Advisory Board on Child Abuse and Neglect about the child protection system.

First, the child and family service system too often has limited its response to families in crisis to coercive, quasipunitive intervention—in this instance coercion that is misdirected toward youth themselves. As the Board noted in the context of the child protection system:

"State and County child welfare programs have not been designed to get immediate help to families based on voluntary requests for assistance. As a result it has become far easier to pick up the telephone to report one's neighbor for child abuse than it is for that neighbor to pick up the telephone to request and receive help before the abuse happens. If the nation ultimately is to reduce the dollars and personnel needed for investigating reports, more resources must be allocated to establishing voluntary, non-punitive access to help."

Second, there is a dearth of treatment services for abused children and youth and their families. The frequent resort to the family court for services reflects the lack of services elsewhere more than the need for judicial intervention.

Third, the foster care system is in crisis. The misuse of detention when some form of out-of-home care appears necessary for the child's protection illustrates (a) the rapidly escalating ratio of foster children to foster homes and (b) the increasing complexity of problems that the children and youth entering foster care bring to foster families. Every community needs new family services to prevent out-of-home care at all. When out-of-home care is truly necessary, supports are needed for foster parents to reduce the rate at which foster parents are leaving the system.

Fourth, just as the child protection system is plagued by a lack of data and by an inadequate, ineffective Federal commitment to research on child and family problems, there is a dearth of well-designed research on the systemic response in status offense cases and the relation of child maltreatment to it. In fact, a search of the PsycLit data base—the most extensive compendium of researching the social sciences—failed to uncover a single article on status offenses or status offenders that was published after 1988. Simply put, the Office of Juvenile Justice and Delinquency Prevention has not been doing its job. That it has the mandate that it does also has allowed other research agencies, such as the National Institute of Mental Health, to ignore their own responsibilities to generate research on status offenses, just as the existence of the National Center on Child Abuse and Neglect seems to have resulted in diminished work by NIMH and other agencies with a much stronger capacity for research. The Children in Custody survey (coinducted by the Census Bureau for the Justice Department) does illustrate, though, the potential utility of a comprehensive data system on child abuse and neglect and other instances of multiagency involvement in complex problems of children and families.

Fifth, child protection issues branch well beyond the specialty child welfare system. The justice system's response to child abuse through status offense jurisdiction is but one example of the need for a Center on Child Protection and the Law in the Department of Justice to lead in a comprehensive response of the legal system to problems of child protection. It also reflects the need to strengthen the child mental health system and other service systems that are better suited for the treatment of troubled families and the prevention of escalation of family problems.

Mr. Chairman, thank you for the opportunity to present these views. The U.S. Advisory Board began its recommendations in its 1990 report by proclaiming that "America must and can begin now to establish a caring community for those of its children who are vulnerable to abuse and neglect." I would add that such a community must be one that protects the dignity of its youngest members and ensures that justice is available to them. Such a goal requires both moral fervor and hard data. APA looks forward to working with you to ensure such a commitment to protection of children and respect for their personhood.

Prepared Statement of Lavonda Taylor on Behalf of the Coalition for Juvenile Justice

My name is Lavonda Taylor and I am submitting this testimony on behalf of the Coalition for Juvenile Justice. I am the past Chair of the Arkansas State Advisory Group and currently I serve as the Chair of the Coalition for Juvenile Justice. The Coalition, comprised of members of the State Advisory Groups (SAGs) of the 56 states and territories participating in the Juvenile Justice and Delinquency Prevention Act, is the only national organization that focuses directly on the whole juvenile

justice system. As citizen volunteers appointed by our governors, we are the local link in a unique partnership made up of federal, state and local governments—a partnership working toward improvements in the juvenile justice system and focusing on delinquency prevention efforts designed to protect public safety and keep at-risk children from becoming involved in juvenile crime.

The Juvenile Justice and Delinquency Prevention Act became law with a focus on both system reform and delinquency prevention. In requiring states to meet certain system reform goals, Congress recognized that such reform, in conjunction with prevention efforts, was essential. Both were needed to address the problem of juvenile crime. These system reforms are embodied in the mandates, the four core requirements of the Act: Deinstitutionalization of Status Offenders, Sight and Sound Separation, Jail Removal and Disproportionate Minority Confinement. I would like to describe each requirement, some history of why they became "supporting pillars," if you will, of the Juvenile Justice and Delinquency Prevention Act, and why we believe they continue to be essential to the overall integrity and purpose of the Act.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS

The Deinstitutionalization of Status Offenders requirement (DSO), found in Section 223(a)(12)(A), has been a part of the Act since 1974. Simply put, status offenders are youth who engage in behaviors which are not crimes if committed by adults. Examples are curfew violation, running away from home, truancy and, in many states, alcohol violations. These behaviors are proscribed by states simply because of a youth's "status" as a minor. The DSO requirement provides that these young people not be held in secure confinement.

Holding status offenders and, often, "nonoffenders" such as abused and neglected children in secure confinement has been an expedient but inappropriate method of dealing with juveniles who have not been involved in any criminal behavior. These are often troubled children who are no threat to public safety. In fact, sixty percent of runaway and homeless youth have reported physical or sexual abuse by their parents. Twenty percent reported violence by other family members as indicated in the results of a national survey conducted by the National Association of Social Workers released in 1991. Historically, status offenders were handled by the juvenile court in the same way as delinquents and were housed in the same secure detention or correctional facilities. They were not infrequently placed in situations where they suffered physical and emotional harm.

In testimony before this subcommittee in May, 1991, Dr. Gary Melton, speaking on behalf of the American Psychological Association, described the types of children who come into the purview of the authorities as status offenders—they are often children who have been "maltreated" and he declared that status offense jurisdiction is "often" a ". . . de facto punishment for being maltreated." Dr. Melton further offered testimony referring to research which ". . . shows that status offending is typically *not* a steppingstone to delinquency." (See full testimony in "Exhibit A")

In promoting the deinstitutionalization of status offenders, the JJDP Act does not ignore the problems of these youth. Instead, in offering federal dollars to those states who meet this DSO requirement, the Act encourages states to create community-based treatment, diversion, and delinquency prevention programs as effective, cost-effective and appropriate alternatives to secure confinement. These programs offer a means of providing help and treatment for status offenders and their families.

The DSO requirement continues to be important as an effective and compelling statement of public policy, and as a continuing incentive to states to develop and maintain programs that can, and do, deal effectively with young people who, while they may need direction, education, counseling and support, do not need to be labeled, subjected to potential harm and punished by being placed in secure confinement. Most states are in full compliance with this core requirement—42 with "de minimis" exceptions indicating that they still have some status offenders and nonoffenders held in violation of the requirement over time. Maintaining this requirement continues to provide a strong public policy statement and the funding attached to it creates a strong incentive to comply. The states have, for the most part, accepted the premises of this policy statement and acted to meet its goals—but the statement and the incentives are still essential. The goal is not yet completely met and it is far too important a goal to forego now. We must not let a reaction to serious, violent juvenile crime lead us to eliminating a policy standard which provides for appropriate responses to young people who are not offenders.

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SIGHT AND SOUND SEPARATION

The separation requirement, Section 223(a)(13), has also been a part of the Act since 1974. It provides that juveniles be held out of the "sight and sound" of adult prisoners—an all too common practice at the time the JJDP Act was enacted. It reflected the fact, substantiated in the research literature of the day, that juveniles who were placed in adult facilities where they came into contact with adult inmates and even correctional staff were often the victims of physical, mental, sexual and emotional abuse. It became apparent that the most immediate way to protect juveniles from the possibility of abuse was to require this separation. Another reason offered by those who were involved in research and in day to day dealings with juveniles is that allowing juveniles to be in such contact with adult prisoners often provided the juveniles with a "training school" in criminal behavior.

While some might argue that the jail removal requirement makes this separation requirement somewhat moot, continuation of the separation requirement is vital. There are exceptions to the jail removal requirement such as that provided for rural areas. It is essential that there continue to be sight and sound separation for juveniles held under the exceptions provided to jail removal in order to prevent any possibility of confining adults where these exceptions exist. It is also essential where states are still working to achieve jail removal and to meet the situation where a state is in compliance. To think otherwise is to allow opportunities for harm.

JAIL REMOVAL

The jail removal requirement, Section 223(a)(14), was added to the Act in 1980. The requirement, specifying complete removal of juveniles from adult jails and lockups, was, in part, a reaction to unintended consequences of the sight and sound separation requirement. In often overcrowded jails with limited resources juveniles were frequently placed in situations which amounted to solitary confinement. As a substantial consequence of this isolation, the suicide rate of juveniles held in adult jails was found, in a mid-1960s study conducted by Community Research Associates, to be seven to eight times greater than that for youth held in juvenile detention centers. Obviously, something more than sight and sound separation was needed to protect juveniles from the consequences of being incarcerated in adult facilities.

Juveniles should not be held in adult jails for many of the same reasons as pertain to the argument for sight and sound separation such as exposure to adult criminals from whom an "education" in criminal activity is often available and the potential for physical, sexual and/or mental abuse at the hands of adults. This commitment to jail removal is not a position which the Coalition for Juvenile Justice holds in a vacuum. A study developed by the Juvenile Justice Legal Advocacy Project concluded the following:

"Virtually every national organization concerned with law enforcement and the judicial system—including the National Council on Crime and Delinquency, American Bar Association and Institution for Judicial Administration, National Advisory Commission on Law Enforcement, and National Sheriffs' Association—has recommended or mandated standards which prohibit the jailing of children. This near unanimous censure of jailing children is based on the conclusion that the practice harms the very persons the juvenile justice system is designed to protect and assist."

I believe that some people have mistaken reactions to the idea of jail removal such as a belief that removing juveniles from adult jails means freeing juveniles who needed to be detained. This is not the intent of jail removal. We believe that there are those juveniles who, due to the nature of their offenses and their offending history, must be securely detained. We are certainly committed to keeping the public safe. We do believe, as I have indicated, that adult jails are not the place for juvenile offenders—those that need to be securely detained can be held in secure confinement in juvenile facilities. These facilities can contribute to the public safety both by keeping juveniles securely confined, and by providing them with the type of evaluation and treatment that have the best chance of deterring them from future criminal activity.

DISPROPORTIONATE MINORITY CONFINEMENT

The newest core requirement is that dealing with disproportionate minority confinement (DMC), Section 223(a)(23). It provides that the States must determine whether the proportion of minority youth held in secure confinement exceeds the proportion of minority youth in the general population. Where overrepresentation is found, states must establish strategies to address the problem. At this time all the states have completed the process of gathering the data. Except for Vermont, every state has identified overrepresentation of minorities in detention and/or correctional

facilities. As of January of this year, 25 states have completed their assessment reports and all others are in the process of finalizing their studies.

Our 1993 Annual Report to the Congress, the President and the Administrator of the Office of Juvenile Justice focused on the issue of minority overrepresentation. In an in depth review of the issue, it dealt with data and with theory, examined possible causes including economic, social and cultural issues and proposed some solutions. We recognized that there are at least two major points of view as to why there is overrepresentation of minority children in the juvenile justice system. One view sees the problem in the system itself, where, intentionally or not, a "selection bias" exists—meaning that minority children do not commit significantly more crimes but are more readily caught and are treated differently and more rashly at various points in the system. A second view argues that minority youth commit more offenses and more serious offenses, perhaps because of the social and economic conditions in which they live. There may well be truth in both perspectives.

It isn't really necessary to decide which view of why minority youth are disproportionately represented in the juvenile justice system is the most valid one for purposes of my testimony today. What matters is that the data shows that minority youth receive progressively more severe treatment as they penetrate into this system. This fact makes the issue essentially one of equity. The question becomes why they are unquestionably incarcerated more often than non-minority youth for engaging in the same kinds of behavior—to put it simply, why should a minority juvenile who commits, for example, a first time property offense be placed in secure confinement, while a non-minority youth is not. I submit that this disparity should not exist and is unquestionably one which strikes at the heart of any notion of equal justice under the law.

Given that the studies conducted by the states do show disproportionate minority confinement, except in Vermont, the continued existence of DMC as a core requirement is essential. It provides the impetus for further analyzing the problem and for developing plans to address it. It represents a federal commitment to and support for the policy I know we all support the policy which says there is no real justice unless there is equal justice for all.

The mandates, those core requirements of Deinstitutionalization of Status Offenders, Sight and Sound Separation, Jail Removal and Disproportionate Minority Confinement, are not intended as obstacles to the states. They are vehicles through which the states can provide a safer environment in which youth who violate can receive services which may enable them to get back on track with their lives.

When the original Act was signed by President Gerald Ford, and continuing with each reauthorization since that time, efforts were being made to strengthen the juvenile justice system. The removal of any mandate now would be a departure from that goal. The stresses currently being placed on the system, and the public outcry for Congress to do something about the serious, violent offender, would not be addressed by the removal of any of the core requirements.

The serious, violent youthful offender today is almost always waived into the adult criminal system. In testimony heard in the February 28, 1996 hearing before this subcommittee, Judge Carol Kelly of Chicago expressed her concern that the adult system was not prepared to meet the developmental needs of the two young offenders who caused the death of the young child dropped from the window. If the adult system is unprepared, why would Congress now consider that any core requirement which undergirds the juvenile justice system is anything but necessary.

PREPARED STATEMENT OF BARRY KRISBERG, PH.D., PRESIDENT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Thank you for giving the National Council on Crime and Delinquency (NCCD) the opportunity to present written testimony concerning the federal mandates contained in the Juvenile Justice and Delinquency Prevention Act (JJDPA) as you consider the pending reauthorization of the Act.

The National Council on Crime and Delinquency is a private non-profit organization which conducts research and initiates programs and policies to reduce crime and delinquency and improve the lives of children and their families. As the nation's oldest criminal justice research agency, NCCD has been at the forefront of innovative research and policy development in juvenile court-related services since 1907. The agency is supported by federal and state contracts as well as private contributions and foundation grants. Agency policy is established by a Board of Directors consisting of national leaders from government, business and academia.

The Juvenile Justice and Delinquency Prevention Act has for over twenty years provided federal policy guidance and financial support to states in an effort to com-

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bat juvenile crime and create a more effective juvenile justice system. With these financial supports comes certain mandates placed upon states. Compliance with the federal mandates is very high, resulting in a juvenile justice system that is now far more efficient, effective, and accountable than in past decades. Our contacts with juvenile justice professionals throughout the country indicate there is an extraordinary high level of support for these policies. Yet, recent increases in juvenile crime and particularly juvenile violence have led some to call into question the Act's mandates. My testimony is to provide strong support for these mandates and ask that they not be weakened or eliminated.

There are four mandates which I will address:

Removal of status offenders from locked facilities;

Removal of juveniles from adult jails and lockups;

Sight and sound separation of juveniles from adults in locked facilities; and

Demonstration of efforts to reduce minority over-representation in secure facilities.

REMOVAL OF STATUS OFFENDERS FROM LOCKED FACILITIES

Prior to the passage of JJDPA in 1974, there were large numbers of status offenders—runaways, truants and other non-criminal youth—held in detention centers and other secure facilities around the country. As a result, troubled youth who were not delinquent were housed with youth who had committed crimes. The Act was very effective in stopping this practice. However, in recent years this policy of "deinstitutionalization" has been under attack in some states. This appears to be founded on the belief that runaways and truants, like juvenile criminal offenders, need to be taught the consequences of misbehavior. There is a full and persuasive record of testimony before the Congress and state legislatures which demonstrates the futility of incarceration as a response to family and personal behavior problems that do not involve criminal activity. NCCD believes these troubled youth should be provided remedial services, such as family preservation, outside of the juvenile justice system. Incarcerating status offenders will not only fail to solve the problem, but will also place additional stress on overcrowded secure juvenile facilities which should be reserved for more serious juvenile offenders.

REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

The hazards of incarcerating minors with adults are well documented; they include physical abuse, sexual abuse and suicide. Minors who are dangerous and need secure confinement should be housed in separate juvenile facilities with staff adequately trained in adolescent care, including specialized training in suicide prevention. The Juvenile Justice and Delinquency Prevention Act calls for the removal of minors from jails and adult lockups, while allowing for reasonable exceptions that permit law enforcement agencies to use defined adult facilities for short-term hold of minors when no juvenile facility is available or when time is needed to transfer the minor to a juvenile facility. NCCD supports this federal policy for a variety of reasons: This mandate is essential to the protection of juvenile offenders and the safety of our communities. Recent studies conducted by NCCD and others have clearly documented the relationship between child abuse and future violence. It follows then, that children subjected to maltreatment become a greater risk to society.

SIGHT AND SOUND SEPARATION OF JUVENILES FROM ADULTS IN LOCKED FACILITIES

In situations where a exception is applied that allows juveniles to be confined in an adult facility, juveniles must be separated by sight and sound from the adult inmates. The reasons why this requirement is important are the same as those stated above: protection from mistreatment and suicide prevention.

DEMONSTRATION OF EFFORTS TO REDUCE MINORITY OVER-REPRESENTATION IN SECURE FACILITIES

Minority youth incarceration rates in detention centers and training schools are out of proportion to the share of minority youth in the general population. To address this concern, amendments to the Act in 1992 added the requirement that participating states address the issue of minority over-representation in their state plans. This requirement is very broad—it simply says that states must conduct a study to determine whether there is in a disproportionate confinement of minority youth. If disparity exists, states must make a good faith effort to respond to problems. NCCD strongly supports this mandate to create a fair juvenile justice system which treats youthful offenders consistently regardless of race.

Enormous progress has been made to date in implementing these mandates. According to 1991 statistics from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the federal agency responsible for oversight of the Act, states have reduced the numbers of institutionalized status offenders by 98 percent (from 171,581 to 3,628); the number of separation violations have been reduced 90 percent (from 85,002 to 8,687); and jail removal violations have decreased 91 percent (from 159,463 to 14,433). All 57 eligible states and territories are currently participating in the voluntary formula grants program which contains these mandates. The 100 percent participation rate and high compliance rates tell us that states for the most part support the mandates. The success of states in meeting these requirements has allowed them to move on to other substantive policy and program issues that are of central concern today, primarily the handling of serious and violent juvenile offenders. NCCD has been working with OJJDP on developing a comprehensive strategy for serious, violent and chronic juvenile offenders. National and state policy efforts need to focus on the relatively small number of violent juvenile offenders who have a major impact on crime and public perceptions of safety.

While tremendous strides have been made in implementing the mandates, weakening of the mandates will likely result in a backward slide. The mandates have been instrumental in ensuring better treatment for juveniles, whether abused, neglected, status offenders or delinquent offenders. Increases in juvenile crime and violence have already put a squeeze on court systems and on state and local juvenile justice programs. Limited federal, state and local resources need to be focused toward dealing with serious juvenile criminals. Widening the net and allowing the option of once again placing youth in inappropriate facilities will only exacerbate current problems.

The current law allows the Office of Juvenile Justice and Delinquency Prevention to grant waivers to these mandates, and OJJDP has worked with states in a cooperative effort to overcome problems in meeting the mandates. While waivers are sometimes required to deal with specific local circumstances, NCCD urges you to maintain these mandates. Investing in the proper care and treatment of our youth is, to quote Allen Breed, former Director of the National Institute of Corrections and Chairman Emeritus of the NCCD Board, "not a national luxury and not a national chore, but a national necessity."

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